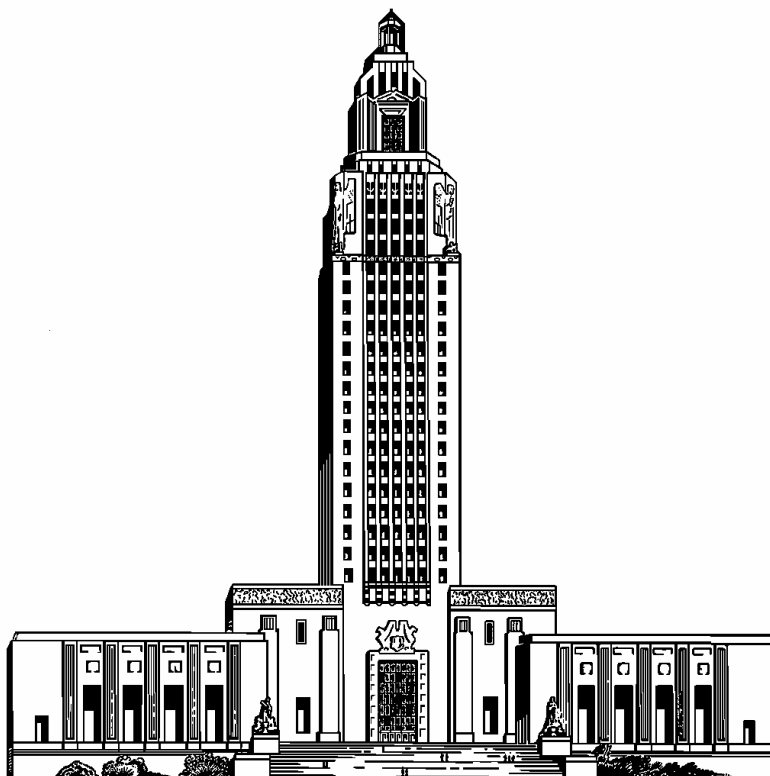


# HIGHLIGHTS

of the  
2004 First Extraordinary  
and  
Regular Sessions  
of the  
Louisiana Legislature



Prepared by:  
House Legislative Services  
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# ADMINISTRATION OF CRIMINAL JUSTICE

## CRIMES AND CRIMINAL PROCEDURE

### **HB 549 by Baldone** *(Last Action – Sent to Governor)*

Authorizes courts to order 3rd and subsequent DWI offenders to participate in drug court programs as an alternative to mandatory four-week inpatient substance abuse treatment. Also clarifies that these offenders are to be placed on probation supervised by DPS&C to begin the day after the offender's release from custody.

### **HB 134 by Bruce** *(Last Action – Act No. 241)*

Authorizes the taking of testimony outside of the courtroom from "protected persons" who may have been a witness or victim of a crime, which includes the use of both closed circuit television and videotaping of such testimony. Defines "protected person" as any person who is victim of a crime or a witness in a criminal proceeding and who is either (1) fourteen years of age or younger, or (2) has a developmental disability or mental retardation.

### **HB 1508 by Gray** *(Last Action – Sent to Governor)*

Authorizes a child in a juvenile delinquency proceeding to waive the assistance of counsel if the child has consulted with an attorney, parent, or caretaker provided that the child is competent and knowingly and voluntarily waives the right to counsel.

Prohibits the waiver of assistance of counsel in proceedings in which the juvenile is charged with a felony-grade delinquent act or in probation or parole revocation proceedings.

### **SB 781 by Lentini** *(Last Action – Sent to Governor)*

Enacts procedures in which a person can raise the issue of mental incompetence to proceed to execution. Provides that a person is not competent to proceed to execution when a person presently lacks the competence to understand that he is to be executed and the reason he is to suffer that penalty. Requires the filing of a petition verified by affidavit setting forth the facts in support of the assertion that he is incompetent. Requires the court to order a competency examination if the court has reasonable grounds to doubt the person's competency. Provides that the issue of incompetence shall be determined by the court in a contradictory hearing, and provides that the burden of proof shall be a preponderance of the evidence. Authorizes any party against whom a decision is rendered to make an application for a writ of certiorari or review directly to the Supreme Court.

## Administration of Criminal Justice

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**SB 724 by CD Jones** *(Last Action – Senate Committee)*

**HB 1421 by Heaton** *(Last Action – House Committee)*

**HB 1422 by Martiny** *(Last Action – House Committee)*

Provides for procedures for determining mental incompetency to proceed to execution.

**HB 783 by Gray** *(Last Action – Failed to Pass/House)*

Abolishes the death penalty for persons under the age of 18 at the time the offense was committed.

**SB 221 by Cravins** *(Last Action – Senate Calendar)*

Prohibits the death penalty for the conviction of a capital offense when the offender had not reached the age of 17 at the time the offense was committed.

**HB 803 by Beard** *(Last Action – Senate Calendar)*

**SB 74 by Hines** *(Last Action – House Calendar)*

**SB 873 by Lentini** *(Last Action – Vote on Conference Committee Report Pending/House and Senate)*

**HB 557 by Beard** *(Last Action – House Committee)*

**SB 782 by Lentini** *(Last Action – Senate Calendar)*

These bills would have either banned human cloning or criminalized human cloning.

**HB 690 by Badon** *(Last Action – Act No. 385)*

Provides that illegally supplying a felon with a firearm is the intentional giving, selling, donating, providing, lending, delivering, or otherwise transferring a firearm to any person known by the offender to be a person convicted of a felony and prohibited from possessing a firearm as provided for in existing law. Provides penalties for the crime of illegally supplying a felon with a firearm of imprisonment of not more than five years and a fine of not less than \$1,000 nor more than \$5,000. At least one year of the sentence imposed shall be served without benefit of parole, probation, or suspension of sentence.

**HB 640 by M. Guillory** *(Last Action – Sent to Governor)*

Creates the crime of unlawful exhibition of sexually explicit material in a motor vehicle and provides that it shall be unlawful for any person to knowingly exhibit sexually explicit material in a motor vehicle on a public street, highway, public place, or any place open to public view knowing that the material is visible to the public from the motor vehicle. Provides penalties of a fine of not more than \$1,000 and imprisonment for not less than 10 days nor more than one year. At least 10 days of the sentence imposed shall be served without benefit of probation, parole, or suspension of sentence.

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## Administration of Criminal Justice

### **HB 1244 by Triche** *(Last Action – Act No. 111)*

Provides that it shall be unlawful for any person to organize or conduct any commercial or private event, wherein there is a display of combat or fighting among one or more domestic or feral canines and feral or domestic hogs and in which it is intended or reasonably foreseeable that the canines or hogs would be injured, maimed, mutilated, or killed. Provides that it shall be unlawful for any person to intentionally do any of the following for the purpose of organizing, conducting, or financially or materially supporting any hog and canine fighting event: (1) finance, commercially advertise, supply materials, sell tickets of admission, or employ persons, (2) own, manage, or operate any facility or property, (3) supply, breed, train, or keep canines or hogs, or (4) knowingly purchase tickets of admission. Provides penalties of a fine of not more than \$1,000 and imprisonment for not more than six months, or both.

### **HB 1703 by Shepherd** *(Last Action – Failed to Pass/House)*

Would have made it unlawful for any person to wear clothing in any public place or place open to the public view, which intentionally exposes undergarments or certain body parts. Provided for exceptions for clothing worn in a private residence, swimming attire worn at a swimming pool or beach, clothing worn in conjunction with an organized fashion show, or clothing worn by a person in the practice of their legal profession or trade.

## **GAMING**

### **HB 1719 by Murray** *(Last Action – Failed to Pass/House)*

Would have authorized domestic cruiseship gaming. Provided for an exception to the crime of gambling and established licensing and regulatory criteria for gaming to be conducted on a domestic cruiseship.

### **HB 1418 by DeWitt** *(Last Action – House Committee)*

Would have prohibited one entity from holding more than four riverboat gaming licenses, slots at tracks licenses, or the casino operating contract or any combination of those licenses.

### **HB 1559 by Damico** *(Last Action – House Committee)*

Would have provided that games of skill are not illegal gambling devices and the use or operation of such devices or machines shall not be a violation of the crime of gambling. Defined games of skill.



# Administration of Criminal Justice

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**HB 356 by Martiny** (*Last Action – Sent to Governor*)

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## Administration of Criminal Justice

Provides that it is unlawful for any person under 21 years of age to play casino games, gaming devices, or slot machines or to enter the designated gaming area of a riverboat, the land-based casino, or the designated slot machine gaming area of a pari-mutuel wagering facility which offers live horse racing.

**HB 263 by Martiny** (*Last Action – Act No. 324*)

Creates the crimes of the use of a counterfeit or unlawful wagering instrument; unlawful possession of devices intended for violations of the Louisiana Gaming Control Law; and the manufacture, sale, or distribution of gaming materials intended for illegal use.

# Administration of Criminal Justice

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## AGRICULTURE

### ANIMALS

#### **HB 681 by K. Carter** *(Last Action – House Committee)*

Would have prohibited promoting, attending, or conducting a cockfight. Additionally, the bill prohibited possessing or handling a fighting bird or cockfighting weapons, employment at a cockfight, breeding of fighting birds, mutilation of fighting birds, and transporting fighting birds. Further provided for penalties for violations.

### MARKETING AND PROMOTION

#### **HB 1192 by Townsend** *(Last Action – Sent to Governor)*

Creates the Louisiana Aquaculture Coordinating Council within the Department of Agriculture and Forestry and provides generally for the regulation and promotion of finfish aquaculture by the council, the department, and the Louisiana Wildlife and Fisheries Commission. Provides for the powers, duties, and functions of the council which include advising the commissioner on the implementation of regulations, the promotion of aquaculture and aquaculture products, the issuance of licenses, and penalties to be imposed for violations. Specifically provides that the council initiates the process of approving a species for aquaculture by making a preliminary proposal regarding the species. Provides that the commissioner is responsible for rulemaking, issuing licenses and permits, conducting inspections, enforcing rules and regulations, and instituting civil proceedings to enforce his orders, rules and regulations.

#### **SB 42 by Nevers** *(Last Action – Act No. 58)*

Requires state agencies to assist the Department of Agriculture and Forestry, when requested by the department, in the development, registration and licensing of a trademark or label for use in promoting Louisiana agricultural products. Authorizes the department to sell licenses for the use of such trademarks or labels to persons, firms, partnerships, corporations, associations, or other organizations for use in promoting Louisiana agricultural products.

Effective only if a constitutional amendment providing for a special fund (Senate Bill 44) is approved by the voters.



# APPROPRIATIONS

## 2004 FIRST EXTRAORDINARY SESSION

**HB 12 by Alario** (*Last Action – House Calendar*)

**SB 8 by Heitmeier** (*Last Action – Act No. 11*)

The Louisiana Constitution provides for the establishment of the Budget Stabilization Fund and requires the following revenues to be deposited into the fund:

- (1) Monies available for appropriation in excess of the expenditure limit.
- (2) All mineral revenues received by the state in each fiscal year in excess of \$750 million (the base). This base can be increased every 10 years by an amount not to exceed 50% of the increase in the Consumer Price Index (CPI) for the immediately preceding 10 years.
- (3) 25% of any monies recognized by the Revenue Estimating Conference as nonrecurring.
- (4) Any other monies appropriated to the fund by the legislature including the balance of any monies declared to be nonrecurring after making the deposit required in (3) above.

This legislation increases the base amount of revenues received from the state as a result of mineral revenues from \$750 million to \$850 million. This increase is calculated by comparing the index of FY 1992-1993 with FY 2002-2003 which reflects slightly less than 50% in the aggregate of the increase in the CPI for the last 10 years.

Senate Bill No. 8 provides that in the event the Revenue Estimating Conference revises the official forecast for FY 2003-2004 to incorporate additional state general fund revenue resulting from this Act, not less than \$46,400,000 of such additional revenue shall be appropriated to the La. Medical Assistance Trust Fund to be used in FY 2004-2005 for the Medical Vendor Payments Program.

## 2004 REGULAR SESSION

### APPROPRIATION BILLS

**HB 1 by Alario** (*Last Action – Sent to Governor*)

Information on the budget will be mailed under separate cover.

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## Appropriations

### **HB 1628 by Alario - Supplemental Appropriations** *(Last Action – Sent to Governor)*

Appropriates supplemental funding, and provides for means of financing substitutions and other budgetary adjustments for the operation of various departments for the 2003-2004 Fiscal Year. Provides for net changes in appropriations as follows: State General Fund (Direct) increases by \$234,981,844; Interagency Transfers increase by \$3,249,642; Fees & Self-generated Revenues decrease by \$150,000; Statutory Dedications increase by \$5,799,757; and Federal Funds decrease by \$2,216,850.

### **HB 1482 by Alario - Judicial Expense Act** *(Last Action –Sent to Governor)*

Appropriates total funding of \$112,047,619 for Fiscal Year 2004-2005 from the following sources: \$101,119,393 out of the state general fund (direct), \$5,000,000 through interagency transfers from the Department of Social Services, and \$5,928,226 from statutory dedications out of the Judges' Supplemental Compensation Fund, Trial Court Case Management Fund, and the Patient's Compensation Fund.

Funding for the ordinary operating expenses of the judicial branch of government is provided as follows, however such allocations shall be reduced by a total of \$8,469,388 according to a plan adopted by the Judicial Budgetary Control Board:

(1)	Louisiana Supreme Court	\$52,156,131
(2)	Courts of Appeal	33,921,054
(3)	District Courts	25,676,850
(4)	Criminal Court, Parish of Orleans	4,304,851
(5)	Juvenile and Family Courts	1,821,249
(6)	Other Courts (Required by Statute)	2,150,252
(7)	Other Courts (Not Required by Statute)	486,620
	TOTAL	<u>\$112,047,619</u>

### **HB 1542 by Salter - Legislative Appropriation Act** *(Last Action -Sent to Governor)*

Provides for expenses of the legislature and its service agencies for FY 2004-2005 including:

House of Representatives	\$	25,179,235
Senate	\$	15,254,561
Auditor	\$	6,220,000
Legislative Fiscal Office	\$	2,011,879
Louisiana State Law Institute	\$	872,829
Legislative Budgetary Control Council	\$	6,805,300
Legislative Actuary	\$	440,672
Total state general fund	\$	<u>56,784,846</u>

# Appropriations

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## SPECIAL FUNDS

### **HB 619 by Alario** *(Last Action – Sent to Governor)*

Provides for the capture of residual balances from various special treasury funds for use in the Fiscal Year 2004-2005 operating budget. Further provides that the Louisiana Economic Development Corporation is directed to execute a loan from statutorily dedicated monies in the Louisiana Economic Development Fund to the Louisiana Stadium and Exposition District in an amount sufficient to pay contractual obligations of the district relative to professional sports franchises, not to exceed \$7.5 million, and not to exceed eight years in duration. The loan will be repaid from revenue growth, mainly from the hotel occupancy tax, of the Louisiana Stadium and Exposition District.

### **HB 671 by Bruneau** *(Last Action – Sent to Governor)*

Creates the Department of Justice Legal Support Fund (hereafter "fund") as a special fund in the state treasury, to be comprised of a portion of monies recovered by the attorney general from court awarded judgments, settlements, fines, fees, and penalties resulting from litigation handled by the attorney general. Up to \$500,000 per year shall be deposited into the fund from such sources. Monies recovered from judgments or settlements involving the Department of Transportation and Development, the office of risk management, and certain recoveries related to the Department of Natural Resources and Department of Environmental Quality are excluded from those eligible for deposit into this fund. Monies may be appropriated from the fund to the Department of Justice to be used solely for defraying costs of expert witnesses, consultants, contract legal counsel, technology, specialized employee training and education, and public education initiatives. Unexpended and unencumbered monies in the fund at the end of a fiscal year remain in the fund. Interest earnings on investment of monies in the fund shall be deposited in and credited to the state general fund.

### **HB 757 by Salter** *(Last Action – Senate Committee)*

Would have recreated the Teacher Supplies Fund as a special fund in the state treasury, which would have been comprised of monies appropriated for the enhancement of teaching supplies for the benefit of the children enrolled in approved schools. The Department of Education would have developed regulations for the allocation of funds to certain public elementary and secondary schools based on the number of pupils. Approved schools would have included schools with Louisiana's school districts, including charter schools and elementary and secondary schools operated by LSU and Southern University, the Department of Public Safety and Corrections, and the Louisiana School of Math, Science and the Arts. Would have provided that at least 75% of the funds appropriated would have been used for materials and supplies that are not consumable within a one-year period of time. The Department of Education would have been directed to develop regulations and guidelines for distribution of the monies appropriated from the fund, subject to approval by the Board of Elementary and Secondary Education.

### **HB 1278 by Tucker and Futrell** (*Last Action – Senate Committee*)

Would have established the Military Economic Development and Transportation Fund as a special fund in the state treasury. Monies in the fund would have been received through gifts, grants, and donations from individuals, partnerships, and public or private organizations. Monies appropriated by the legislature would have been subject to budgetary control or authority of the division of administration. The proposed legislation provided for monies in the fund to be available for the purpose of infrastructure, improvements, and construction related to military installation and base realignment and closures.

### **OFFICE OF GROUP BENEFITS**

#### **HB 1275 by Futrell** (*Last Action –Sent to Governor*)

#### **HB 995 by Murray** (*Last Action – Sent to Governor*)

House Bill No. 1275 expands eligibility for programs administered by the Office of Group Benefits to include any active or retired member of the Louisiana National Guard, provided such active or retired member agrees to pay 100% of the premium and certifies that other coverage is not available through his or her employer or the member is not eligible for Medicare.

House Bill No. 995 expands eligibility for programs administered by the Office of Group Benefits to include the district attorney and the employees of the district attorney's office of New Orleans.



# CIVIL LAW AND PROCEDURE

## MARRIAGE

### **HB 61 by Scalise**

**Constitutional Amendment** (*Last Action – Filed with Secretary of State*)

### **SB 166 by Hainkel**

**Constitutional Amendment** (*Last Action – House Calendar*)

Provides that marriage in the state of Louisiana shall consist only of the union of one man and one woman and prohibits officials or courts from conferring marriage or the legal incidents thereof upon any union other than one man and one woman. Also provides that a legal status similar to that of marriage shall not be valid or recognized for unmarried individuals and prohibits the recognition by any official or court of a marriage contracted in another jurisdiction which is not the union of one man and one woman.

### **HB 252 by Broome** (*Last Action – Sent to Governor*)

Provides that the laws governing married couples generally also apply to covenant marriage spouses and the spouses owe each other love and respect and are bound to live together, maintain their children and manage their household. Provides that counseling needed to preserve the marriage shall take place after the spouses experience difficulties and shall continue until a judgment of divorce, except if a spouse or child has been abused by the other spouse.

## LEASES

### **HB 38 by Ansardi** (*Last Action –Sent to Governor*)

Revises and reorganizes the Civil Code Articles on lease including updating terminology, codifying various jurisprudential rules, clarifying the determination of a term, appropriating the ownership of improvements, extending warranties and guidelines for their waiver, providing when rent is due and procedures for dissolution, and providing for the lessor's privilege and the termination of a lease. Effective January 1, 2005.

### **SB 581 by Schedler** (*Last Action – Sent to Governor*)

Provides that if a lessee remains on the property after a final judgment of expulsion has been rendered, he shall be required to pay any court costs related to his expulsion.

### PROCEDURE

#### **HB 75 by Ansardi** *(Last Action – Failed to Pass/House)*

Would have provided that if a court determines a suit or a defense to a suit to be clearly insufficient on its face or have no rational arguments based upon the evidence or law, the nonprevailing party shall pay all court costs and reasonable attorney fees.

#### **HB 119 by Toomy** *(Last Action –Sent to Governor)*

Clarifies that parish courts do not have jurisdiction over claims subject to the Louisiana Governmental Claims Act. (Senate Floor Amendments would have provided that the cap on damages applied per injured victim and per death victim; however, the amendments were rejected pursuant to the Conference Committee Report adopted by both houses.)

#### **HB 1410 by LaFleur** *(Last Action – House Calendar)*

Would have required a petition for the payment of money and a final judgment for the payment of money to include the defendant's or debtor's full name, last known address and last four digits of his social security number.

#### **HB 791 by Johns** *(Last Action – Act No. 334)*

Provides that if a specific amount of damages is necessary to establish jurisdiction or the right to a jury trial, an allegation that the claim exceeds or is less than the requisite amount is required.

#### **HB 1198 by Hunter** *(Last Action – House Committee)*

Would have provided that any attempt to serve a defendant shall interrupt the running of the ninety day period for delay of service and would have required a defendant who was not served within ninety-days to notify the plaintiff's attorney fifteen days before filing a motion for involuntary dismissal of the action.

#### **HB 1267 by Glover** *(Last Action – Senate Calendar)*

Would have provided a procedure for an incarcerated person who has been released and shows he was factually innocent to seek compensation for the loss of life opportunities in an amount determined by the Board of Pardons. Compensation would have been between \$12,000 per year incarcerated and \$500,000 total plus money for job training, medical and counseling expenses and tuition and fees at a Louisiana public college or university. The compensation would have been paid from the Innocence Compensation Fund which would have been funded by appropriations, donations, or grants.

# Civil Law and Procedure

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## **SB 282 by Dardenne** (*Last Action – House Calendar*)

Would have provided that service of citation shall be requested and all fees or costs required for service shall be paid within 90 days of commencement of the action.

## **LIABILITY**

## **HB 164 by Ansardi** (*Last Action – Senate Committee*)

Would have provided for the fluctuation of prejudgment legal interest on any claim for personal injury or wrongful death against the state or a political subdivision, with a maximum rate not to exceed six percent per annum.

## **HB 625 by Cazayoux** (*Last Action – House Committee*)

Would have overruled the Supreme Court decision in *Dumas v. State ex rel. Dept. of Culture, Recreation & Tourism*, 2002-0563 (La. 10/15/02), 828 So.2d 530 and would have provided that in an action for damages against a health care provider, the percentage of fault of the provider shall not be determined unless a medical review panel has issued an opinion and an incidental demand has been filed. Also would have provided that the party seeking a reduction of a provider's fault shall not be liable for more than the percentage attributable to his fault.

## **HB 766 by Gallot** (*Last Action – Sent to Governor*)

Provides that the liability of the clerk of court for the obligations of his office terminate when he ceases to hold office, that his successor shall succeed to those obligations, that the clerk is not personally liable for damages arising out of the performance of his official duties, unless the damages were caused by the willful, wanton, or intentional actions of the clerk, and provides a four-year prescriptive period for claims against the clerk, commencing on the day the claimant acquired, or should have acquired knowledge of the act or occurrence first giving rise to the claim.

## **HB 1430 by Bruneau** (*Last Action – Sent to Governor*)

Provides that no action against a duly licensed home inspector shall be brought unless filed in a court of competent jurisdiction and venue within one year from the date the act, omission, or neglect is alleged to have occurred.

## **SB 672 by Holden** (*Last Action – House Calendar*)

Would have provided that immunity under workers' compensation shall not extend to an employer for an injury to an employee that could have been prevented by an adequate guard

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## Civil Law and Procedure

or safety device that was originally a part of the equipment, but had been intentionally removed by the employer.

### **HB 793 by Dove** (*Last Action –Sent to Governor*)

Limits the liability of commercial and marine contractors and real estate licensees representing them, architects, engineers, and persons licensed by the Louisiana Manufactured Housing Commission for damages and claims related to mold or mold damage.

### **HB 1162 by Dove** (*Last Action –Sent to Governor*)

Provides that when oil companies and persons performing related services cause damages to oyster leases while performing certain activities they shall only be liable for the diminution of market value of the leases calculated in accordance with the method used by the Oyster Lease Damage Evaluation Board.

### **HB 1681 by Trahan** (*Last Action – Act No. 405*)

Requires a community health care clinic to conduct a screening to determine if a patient is enrolled in or eligible for gratuitous medical or dental services, but authorizes the clinic to provide or arrange services for an enrolled or eligible patient for the immediate condition, illness, injury, or disease.

### **SB 598 by Heitmeier** (*Last Action – House Committee*)

Would have limited the liability of persons or organizations who voluntarily provide transportation to others for evacuation purposes during an actual, impending, mock or practice emergency, for death, injury, loss, or damage to the person or his property, unless gross negligence or willful and wanton misconduct caused the death, injury, loss, or damage.

## **JURY TRIALS**

### **HB 677 by Johns** (*Last Action –Sent to Governor*)

Provides that a trial by jury shall not be placed on the court's trial docket until the party requesting the jury pays the clerk \$150 and repeals the provision regarding a deposit of \$336 to be applied to court costs. Requires the party requesting the jury trial to pay additional costs if the trial exceeds the estimated number of days and clarifies that any juror who actually reports for service shall be paid compensation and mileage upon the completion of his duty to attend. Provides that when the court requires a deposit for costs, it shall not exceed \$2,000 for the first day and \$400 for each additional day the trial is estimated to last.

## Civil Law and Procedure

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### **HB 680 by Murray** *(Last Action – House Committee)*

Would have provided that an admiralty or general maritime claim brought in state court under the federal saving to suitors clause shall not be tried by a jury.

### **CHILDREN-SUPPORT, CUSTODY, VISITATION, ADOPTION**

### **HB 1012 by Bowler** *(Last Action – House Committee)*

Would have required a relative seeking visitation to prove by clear and convincing evidence that it is in the best interest of the child and any visitation granted would be taken from the time of the parent to whom the relative is related. Would have repealed visitation rights to a grandparent when his child is interdicted or incarcerated and would have required the court to consider certain factors in determining if visitation with a grandparent is in the best interest of the grandchild when his parent is deceased. Would have granted visitation rights to a person who stood in the place of a parent for two or more years, but would have repealed post-adoption visitation rights to grandparents.

### **HB 673 by Shepherd** *(Last Action – House Committee)*

Would have authorized the court to perform a calculation for child support for the children in the second family and deduct that amount from the noncustodial parent's income before calculating a support obligation for the children before the court and in a multiple family situation, it would have allowed the court to consider whether the noncustodial parent is legally responsible and providing support for other children not pursuant to an order of support.

### **HB 372 by Ansardi** *(Last Action – Senate Committee)*

Would have provided: (1) that a statement of family history in an adoption include the child's immunization record, illness history, and descriptive information about the parents, (2) the maximum age for adoption of a child is under 18 years, (3) psychologist and psychiatrist be licensed before conducting a home study, (4) authorization to siblings or descendants of an adoptee to file a petition for the disclosure of information, (5) automatic release of nonidentifying genetic or medical information from court records, (6) a confidential intermediary process for the disclosure of identifying information to adult adoptees with the written consent of the biological parent, and (7) continuing contact agreements with foster parents.

### **HB 368 by Ansardi** *(Last Action – Failed to Pass/House)*

Would have provided: (1) a definition of maternity, (2) a resolution when presumptions of paternity overlap, (3) a restrictive contestation action for the mother to disprove her former husband's paternity and establish her present husband's paternity, (4) converted the

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## Civil Law and Procedure

legitimation by subsequent marriage to a presumption, (5) a presumption of paternity of the acknowledging parent that can only be invoked in favor of the child who is not filiated to another man, (6) a repeal of acknowledgment by signature on a baptismal certificate, (7) a child's action to establish his paternity, (8) a restrictive avowal action that an alleged father may institute to establish his paternity and (9) dual paternity, so that a child who is presumed to be the child of one man may establish his filiation to another man.

### **HB 532 by Johns** (*Last Action – Act No. 249*)

Requires a review of the child support guidelines in 2008 and provides for the membership of the review committee.

### **HB 621 by Shepherd** (*Last Action – Failed to Pass/House*)

Would have incorporated the current income tax withholding tables for the federal government and an adjustment for the differences between the income distribution in LA and the U.S. Would have provided a self-support reserve based on the 2003 federal poverty guideline and decreased 88% of support obligations due to low income and new measurements of child-rearing costs and increased 11%.

### **HB 842 by Johns** (*Last Action – Sent to Governor*)

Provides that a man may establish his paternity of a child presumed to be the child of another man even though the presumption has not been rebutted, within two years from the date of birth of the child, but if the mother in bad faith deceived the father regarding paternity, the action shall be within one year from the date the father knew or should have known of his paternity, but no more than 10 years from the date of birth of the child. Act applies both prospectively and retroactively.

### **SB 564 by Dardenne** (*Last Action – Sent to Governor*)

Provides that in a shared custodial arrangement, the court shall order each parent to pay his proportionate share of necessary uninsured medical expenses under \$250. Provides that the nondomiciliary party whose child support obligation is 50% or greater, shall be entitled to the federal and state tax dependency deductions if certain criteria are met. Requires the court to determine rent when it awards use and occupancy of the family residence.

### **SB 344 by M. Smith** (*Last Action – House Committee*)

Would have provided that when a nondomiciliary parent in a joint custody order has physical custody of the child for more than 73 days but less than 120 days, the court may order a credit to his support obligation and if he has custody for 120 days or more, the court would be required to give a credit.

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## **SB 65 by Fields** (*Last Action – Act No. 26*)

Substitutes the term "children born of marriage" for "legitimate children" and "children born out of marriage" for "illegitimate children" and provides for the acknowledgment of children rather than the legitimation of children.

## **PRIVILEGES**

### **HB 905 by Townsend** (*Last Action – Failed to Pass/House*)

Would have provided that the privilege of hospitals for the reasonable charges or fees of the hospital on the net amount payable to the injured person does not cover charges by a hospital when they have accepted insurance benefits or payments from the injured person's health insurance coverage. Would have maintained the privilege if the health insurance does not pay or if the injured person has not met his copayment. Would have provided that the privilege does not cover hospital charges if the injured person has insurance with a plan who contracted with the hospital for the recovery of payment and the hospital fails to file a claim with the insurance provider.

## **PROPERTY**

### **HB 30 by Bruneau** (*Last Action –Sent to Governor*)

Provides for notice of the tax sale of property within 30 days of the tax sale, that the notice shall be mailed by certified mail to the prior owner and, if the return receipt is not returned within 30 days or if it is returned without a signature indicating completion of delivery, then further notice may be delivered to the prior owner at his last known address. Repeals the requirement that a third notice be mailed by certified mail to the last known address of the prior owner not earlier than six nor more than nine months prior to the expiration of the 3-year redemptive period.

### **HB 1480 by Frith** (*Last Action –Sent to Governor*)

Provides for the right and servitude of passage to enclosed estates which have no means of access other than by way of an existing waterway passing through neighboring property.

## **SUCCESSIONS**

### **HB 39 by Bruneau** (*Last Action – Act No. 231*)

Clarifies that a person who is the spouse of a legatee at the time of the execution of the testament may not be a witness to the testament, and provides that if the witness was a spouse of a legatee at the time of execution of the testament, the testament will remain valid,

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## Civil Law and Procedure

but the legacy will be invalid. Further provides that if the legatee would be an heir in intestacy, the legatee may receive the lesser of his intestate share in the testament, subject to any testamentary terms or restrictions placed on the legacy.

### **SB 182 by Lentini** (*Last Action – House Calendar*)

Would have required that a descendant of the first degree who claimed to be a forced heir because of an incurable disease or condition which would have rendered him permanently incapable in the future of caring for his person or administering his estate, would have had to established the facts of his incurable disease or condition by clear and convincing evidence.

## CONFLICTS OF LAW

### **HB 1547 by Bowler** (*Last Action – Failed to Pass/House*)

Would have provided that claims for products liability are governed by the laws of another state if the injury was sustained in that state by a person not domiciled or residing in this state and this state's prescription or peremption laws will not apply if the state whose substantive law applies has a substantive prescription or peremption law.

## VITAL STATISTICS

### **HB 750 by Durand** (*Last Action –Act No. 254*)

Provides for disclosure of confidential death certificate information in the same manner as confidential birth information and directs the vital records registrar to file a copy of the birth certificate or death certificate under seal with the clerk of court upon receipt of an order from the court and provides the procedure for the use of the information in suits. Authorizes the U.S. attorney and an attorney general to make written requests for the disclosure of birth and death certificates. Requires identifying information be removed from the databases as soon as the need for the information has expired and provides penalties for the improper disclosure of this information.

## MEDICAL MALPRACTICE

### **HB 1032 by Baudoin** (*Last Action – House Committee*)

Would have granted residents of nursing homes who have been deprived of their rights a cause of action to recover actual damages and would have removed the time limitation to bring the action.



# Civil Law and Procedure

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## FRAUD

### **HB 1699 by Ansardi** *(Last Action – Sent to Governor)*

Repeals the Uniform Fraudulent Transfer Act which provided that a transfer made or obligation incurred by a debtor is fraudulent as to a creditor if the debtor made the transfer or incurred the obligation: (1) with actual intent to hinder, delay, or defraud any creditor or (2) without receiving a reasonably equivalent value in exchange and the debtor was engaged in a business where assets were unreasonably small in relation to the business or the debtor intended to incur debts beyond his ability to pay. The Act also provides remedies for the creditor, defenses, liability, and protection of the transferee, and a preemptive period in which to bring an action against a debtor.



# COMMERCE

## RIVER PILOTS

### **HB 1708 by Pinac** *(Last Action – Sent to Governor)*

Collapses separate fee commissions and regulatory boards of the four different river pilot associations into a single Pilotage Fee Commission and a single Board of Louisiana River Pilot Review and Oversight. Provides for appeals to district court instead of the Louisiana Public Service Commission.

The Pilotage Fee Commission has the exclusive authority to set pilotage fees and rates. The commission is composed of eleven members: one representative from each of the four pilot associations (the bar pilots, the Crescent City river pilots, NO-BR pilots, and the Lake Charles branch pilots), four representatives of industry, and three at-large members. All decisions are by majority vote. Provides a procedure to be followed for adjustments to rates that includes publication of notice, opportunity for participation by parties with a substantial interest, etc. Also, provides that the standard for review by the court system to overturn a decision of the commission shall be "arbitrary and capricious."

The Board of Louisiana River Pilot Review and Oversight has oversight of the pilot profession and authority to review, investigate, and decide disciplinary issues. The board is composed of eleven members: one representative from each of the four pilot associations, two representatives of industry, two representatives of the Ports Association, and three former judges. Provides that the board has oversight of the rules of the separate pilot examiners and their disciplinary actions. The board has authority to recommend to the governor, subsequent to a hearing on the matter in accordance with the Administration Procedures Act, that a pilot's commission be suspended or revoked.

Effective January 1, 2005. Also, any reduction of currently commissioned pilots, if necessary, shall be accomplished through attrition and a mandatory retirement age of 70 is established.

## SELF-HELP OR REPOSSESSION

### **SB 768 by Hollis** *(Last Action – Act No. 191)*

### **HB 1489 by Johns** *(Last Action – Sent to Governor)*

Provides a procedure for a secured lender to repossess a motor vehicle following default by the borrower without going through judicial process. Defines default as nonpayment of two consecutive payments or nonpayment for 60 days.

Requires notice to be sent by the secured lending party to the borrower's last known address, the lending party to use a repossession agent licensed by the office of financial institutions to take possession of the vehicle, and allows such repossession without judicial process if it

can be done without a breach of peace. Breach of peace includes unauthorized entry into a closed dwelling and oral protest by the borrower.

Requires that within three days of taking possession, the lending party shall file a "Notice of Repossession" with the recorder of mortgages and the appropriate law enforcement official (constable, marshal or sheriff). Provides that the borrower shall have 10 days to contact the repossessing lender for return of any personal property which may have been inside the vehicle at the time of repossession. After 30 days, the personal effects of the borrower shall be deemed abandoned.

Allows for disposition of a repossessed vehicle through judicial sale or through any means allowed in the Uniform Commercial Code - Secured Transactions. Allows for deficiency judgements against the borrower for cost associated with the repossession. Effective January 1, 2005.

### **QUALITY JOBS**

#### **HB 1478 by White** *(Last Action – Sent to Governor)*

Modifies Louisiana Quality Jobs Program to allow an employer to count as a "new direct job" a new job with a company with whom the employer has a "facility management contract" in certain instances. A "facility management contract" is a contract between an employer and a company whereby the company agrees to operate all or part of the employer's manufacturing facility.

For the job with the company to qualify, the following criteria must be satisfied: (1) The company must provide its employees with wages and basic health benefits as specified in the Quality Jobs program; (2) The company's employees must work 35 or more average hours a week; (3) The company's employees are performing a substantial portion of their work for the employer's facility; (4) The company's new job did not exist prior to the employer's application for the program; (5) The employer is classified as a manufacturer; and, (6) The employer's contract with the company recognizes the Quality Jobs program, has a term not less than the time remaining on the employer's contract with the Department of Economic Development (DED) and the company agrees to provide the necessary information to the employer and DED for the program.

The employer's benefit rate shall be calculated at 80% of the benefit rate for "new direct jobs" through a company with a facility management contract.

#### **HB 1674 by Walsworth** *(Last Action – Sent to Governor)*

Modifies Quality Jobs Program to provide special qualifications for small employers (50 or less employees). Provides eligibility for program if employer is classified as a Vision 2020 cluster industry and offers health insurance coverage for all full-time employees and

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dependents and pays at least 50% of the premium for each full-time employee who participates in the health plan.

Regarding the benefit rate for such employers, provides that the employer's annual rebate shall be calculated by including only those direct job employees who accept the basic health benefit plan offered by the employer for that year. The rebate is reduced by new direct job employees to decline to participate in the employer's health plan.

### **ATHLETE AGENTS**

#### **HB 1408 by Daniel** *(Last Action – Act No. 351)*

Modifies allowable interactions between the athlete, the sports agent, and the school. Provides that the relationship between a student athlete and the school or institution is one of contract and specifically allows a legal cause of action for tortious interference with contract, attorney fees and court costs for violations. Provides for duties, obligations and responsibilities on athlete agents in regards to student athletes and the schools or institutions for whom the athletes play. Expands coverage to actions that cause schools or institutions to be investigated by their federation or association.

### **BANKING**

#### **HB 911 by Lancaster** *(Last Action – Sent to Governor)*

Authorizes foreign banks to engage in certain banking activities in Louisiana. Allows a foreign bank to open, acquire, and operate a representative office, administrative office, agency branch and subsidiary bank in Louisiana pursuant to a certificate of authority from the commissioner of the Office of Financial Institutions. Provides that such banks may not receive deposits, pay checks or other instruments or make loans, but may promote and assist the deposit-taking, lending, or other financial or banking activities.

### **"DO NOT CALL" PROGRAM**

#### **HB 1030 by Pinac** *(Last Action – Sent to Governor)*

Requires the Louisiana Public Service Commission to establish a single "do not call" list that includes those Louisiana residents who have requested that the commission include their telephonic number on the list and the Louisiana customers who have registered their telephonic numbers with the federal Do Not Call Registry. Provides for the registration of telephonic solicitors and "safe harbor" provisions for solicitors who can verify attempted compliance by submitting certain documented items. Provides for monthly updating of the "do not call" list by January 1, 2006.

### **HB 189 by Winston** *(Last Action – Act No.148)*

Provides exemptions to the "do not call" program for optometrists, dentists, and chiropractors who call their patients and veterinarians who call their clients.

### **RACING**

### **HB 419 by Pinac** *(Last Action – Act No. 328)*

Prohibits a horse owned by a member of the State Racing Commission from racing in Louisiana.

### **COMMERCE GENERALLY**

### **SB 877 by Ellington** *(Last Action – Sent to Governor)*

Creates the Local Government Fair Competition Act. Provides a process for local government to follow before engaging in the business of providing telecommunication services, cable television services or high speed Internet access capability. Such process includes public hearings, a feasibility study, and a referendum. Provide several general operating limitations on local government, including prohibiting cross-subsidy of the services.

# EDUCATION

## ACCOUNTABILITY/SCHOOL AND DISTRICT

### **HB 1659 by K. Carter** (*Last Action – Act No. 193*)

Limits the authority of a local public school board upon notice from the state superintendent that the school system is academically in crisis. "Academically in crisis" means that the system has more than 30 schools that are academically unacceptable or more than 50% of its students attend schools that are academically unacceptable. "Academically unacceptable" means a school that is academically unacceptable pursuant to a uniform statewide program of school and district accountability established pursuant to rules adopted by BESE. Empowers the local superintendent of a school system that is academically in crisis with sole and exclusive authority as to all matters regarding the policy for and operation and management of the local system. Limits the authority of a local school board of a system that is academically in crisis to certain specified powers. Requires the school superintendent to develop a structured system improvement plan. Prohibits the school board from contracting or employing a superintendent or terminating the contract or employment of the incumbent superintendent except upon the affirmative vote of at least two-thirds of the elected members. Requires the local school board and the local superintendent to contract with an independent licensed CPA for the conduct of an audit of the finances and financial practices of the local school system. Provides that if a school system is found to be academically in crisis, it shall remain so until the academic performance of the students in the system has improved sufficiently to improve the school performance so that the system is no longer defined as academically in crisis and all audit findings are corrected.

## MINIMUM FOUNDATION PROGRAM (MFP)

### **SCR 122 by Ullo** (*Last Action-Filed with Secretary of State*)

Provides for legislative approval of the formula for FY 2004-2005 to determine the cost of a minimum foundation program (MFP) of education in all public elementary and secondary schools as well as to equitably allocate the funds to local public school systems as developed and adopted by the State Board of Elementary and Secondary Education (BESE). MFP costs for FY 2003-2004 are \$2.553 billion (as contained in the FY 2003-2004 MFP budget letter). Implementation of SCR 122 for FY 2004-2005 is estimated by the state Department of Education to cost \$2.611 billion.

Also:

- (1) Increases the base per pupil amount from \$3,366 to \$3,459.
- (2) Retains the weights for add-on units for at-risk students, vocational education units, special education, gifted and talented, and economy of scale, using the same definitions.

- (3) Retains provisions for annual adjustments in the per pupil amount.
- (4) Continues Level 3 funding for the "hold harmless" school systems and for the FY 2001-2002 certificated staff pay raise and FY 2002-2003 support worker pay raise.
- (5) Retains requirement that 70% of all school system general fund expenditures be for instruction and retains guidelines for defining instruction.
- (6) Retains provision specifying that 50% of a school district's increase in Level 1 and Level 2 state funds over the prior year (after adjusting for increases in student membership) shall be used for supplements and enhancements of full-time certificated staff salaries and retirement benefits.
- (7) Uses the October 1, 2003, student count (rather than the October 1, 2004, count) to calculate FY 2004-2005 Level 1 costs.
- (8) Adds provision that if any district's October 1 student count exceeds the previous year's audited October 1 membership by either 50 students or one percent, a mid-year adjustment to provide additional per pupil funding shall be made for each additional student based on the final MFP allocation per pupil amount for that district as approved by BESE.
- (9) Adds provision, for FY 2004-2005 only, that any district collecting new sales or property taxes in FY 2003-2004 based on a local voter referendum shall receive a Level 2 mid-year adjustment for state support of the local initiative.

Relative to school and district accountability:

- (1) Provides that any district that includes in its October 1 membership a student who transferred from a school in school improvement levels 2 through 6 in another district, attended such school in the other district in the immediate preceding year before transferring, and transferred to an academically acceptable school in accordance with BESE accountability transfer policy will receive additional funding equal to the current year MFP state-average local share per pupil for each such student as long as the student is enrolled, limited to a maximum of three years.
- (2) Provides for a report to be submitted to the House and Senate education committees by April 1 of each year on each school with a school performance score below 80 and a growth of less than two points in such score. Requires that the report include certain information on school data, accountability data, fiscal data, student demographic data, teacher data, and staffing data.
- (3) Specifies that any student attending an academically unacceptable school in School Improvement Level 5 that has not met the required minimum growth and does not have



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a BESE-approved reconstitution plan shall not be included in the MFP formula calculations.

- (4) Specifies that any staff assigned to a school in school improvement level 5 that has not met the required minimum growth and does not have a BESE-approved reconstitution plan shall not be considered in the MFP for any purpose.

### SCHOOL CHOICE/VOUCHERS

#### **HB 366 by Scalise** (*Last Action – House Committee*)

Would have established the Vouchers for Students in Failing Schools Pilot Program as a four-year program beginning with the 2004-2005 school year. Would have provided for program purposes and eligibility requirements for participating students in parishes with a population of at least 475,000 persons and eligibility requirements for nonpublic schools. Would have provided for receipt of vouchers by parents or guardians to pay tuition and fees of eligible students who enroll in eligible nonpublic schools. Would have limited voucher amount to average per pupil allocation of state funds to the school system. Would have further provided for program administration and implementation by the state Dept. of Education.

#### **HB 1288 by Scalise** (*Last Action – House Committee*)

Would have established the Louisiana Parental Choice in Primary Education Demonstration Program as a four-year pilot program beginning with the 2004-2005 school year to further parental choice in the selection of schools to provide a student's education in kindergarten through third grade. Would have permitted a parent or legal guardian of an eligible student who chose to enroll the student in an eligible nonpublic school to apply for and receive an education voucher redeemable by the school from the state Dept. of Education. Would have provided that the voucher amount equal actual tuition or the average MFP per pupil allocation, whichever is less. Would have required, in part, that an eligible student must be enrolled in kindergarten through third grade at an eligible school and must have been previously enrolled in an eligible school in a four-year old early childhood program funded through legislative appropriations, including but not limited to federal Temporary Assistance to Needy Families (TANF) program monies. Also would have required, in part, that an eligible school must have provided early childhood education classes funded for eligible students through legislative appropriations, including but not limited to federal (TANF) program monies.

#### **HB 1129 by Bruneau** (*Last Action – House Committee*)

Would have established the La. Education Voucher Program. Would have provided for the program to be phased in starting with kindergarten in the first year (2005-2006) and adding one grade each subsequent school year through full implementation in the 2017-2018 school

year. Would have required that a voucher provide tuition at any BESE-approved nonpublic elementary or secondary school on behalf of any school age student who is a resident of the state. Would have required voucher amounts to be paid on behalf of the student by the state division of administration by paying to a qualified school per each eligible student, from funds appropriated for such purpose, an amount of money equal to 100% of the average state share per student amount in the MFP budget letter approved in the preceding fiscal year or the amount of the tuition at such school, whichever is less. Continued receipt of the voucher would have required the student to meet retention and original eligibility requirements. Would have required reapplication only for a student to enroll in a different school.

### **TEACHERS/SCHOOL EMPLOYEES**

#### **HB 493 by Honey** *(Last Action-Sent to Governor)*

Includes guidance counselors who hold valid professional ancillary certificates in counseling issued by the state Dept. of Education in the statutory definitions of persons eligible for certain sabbatical leave and sick leave benefits provided by law.

#### **HB 763 by Salter** *(Last Action-Sent to Governor)*

Specifies time periods to be used for the calculation of cost savings to local school boards and state special schools resulting from the elimination of statutory mandates relative to extended leave and rest and recuperation sabbatical leaves for certain school employees. Requires that such saved monies be included in the minimum salary schedule used by the school system or state school to compensate teachers. Also provides that BESE shall determine and report prior to the 2005 Regular Session the amounts of money required to be included in each affected salary schedule.

### **LOCAL PUBLIC SCHOOL BOARDS/EXPENSE ALLOWANCE**

#### **HB 232 by Quezaire** *(Last Action – House Committee)*

#### **HB 236 by Faucheux** *(Last Action – House Committee)*

Would have provided, if the members of the St. James Parish School Board chose the expense allowance option for compensation as provided in present law (R.S. 17:56(A)), that the maximum allowance would be \$1,200 per month for each board member and \$1,300 per month for the board president.

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## LOCAL PUBLIC SCHOOL BOARDS/TRAVEL

**HB 229 by Quezaire** (*Last Action –Sent to Governor*)

Repeals requirement that any expenditure by a local school board to reimburse a school board member for travel and related expenses while on school board business outside the school board's jurisdictional boundaries as authorized by applicable state law shall not exceed expenses permitted in accordance with travel regulations prescribed by the division of administration for state executive branch employees.

### **LOCAL PUBLIC SCHOOL BOARDS/OTHER**

#### **HB 509 by White** *(Last Action – House Calendar)*

Would have established a separate school system for the Central community in East Baton Rouge Parish. Would have created an interim school board pending the election of a school board. Would have specified that the organization, powers, duties, functions, responsibilities, and compensation of the school board and the interim board shall be as provided by law generally for local school boards. Would have provided that the Central Community School Board begin actual operation of providing for the education of students on July 1, 2006. Also would have provided for reapportionment of the East Baton Rouge Parish School Board in the event the Central Community School Board began operation as a separate school system.

#### **HB 665 by White** *(Last Action – House Calendar)*

Constitutional amendment to grant the Central community school system in East Baton Rouge Parish the same authority granted parishes for certain school finance purposes, including purposes related to the minimum foundation program, funding for certain school books and instructional materials, and the raising of certain local revenues for the support of elementary and secondary schools.

### **STUDENTS/GRADUATION**

#### **HB 740 by Waddell** *(Last Action –Sent to Governor)*

Requires BESE to adopt rules and regulations to provide that certain public high school students who meet all other graduation requirements but fail to pass the graduation exit exam shall be awarded a certificate verifying completion of graduation requirements except passage of the graduation exit exam. Also specifies that nothing in HB 740 shall prohibit such students from being issued a diploma upon successful passage of the graduation exit exam or shall interfere with the authority of any local public school board to adopt policies relative to student participation in graduation ceremonies.

### **STUDENTS/HAZING**

#### **SB 16 by Gautreaux** *(Last Action –Sent to Governor)*

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Prohibits hazing in public elementary and secondary schools and requires every local public school board to adopt and enforce such prohibition and to prevent its occurrence. Defines hazing as any knowing behavior, whether by commission or omission, of any student to encourage, direct, order, or participate in any activity which subjects another student to potential physical, mental, or psychological harm for the purpose of initiation or admission into, affiliation with, continued membership in, or acceptance by existing members of any organization or extracurricular activity at a public elementary or secondary school, whether such behavior is planned or occurs on or off school property, including any school bus and school bus stop. Specifies that hazing does not mean any adult-directed and school-sanctioned athletic program practice or event or military training program. Requires each local public school board to adopt, post, and enforce a hazing prevention policy including, at a minimum, certain specified components. Provides that SB 16 shall not be construed to limit or exclude prosecution of or punishment for any crime or to limit the right to pursue any civil remedy.

## STUDENTS/KINDERGARTEN

### **SB 301 by Holden** (*Last Action –Sent to Governor*)

Requires the state Dept. of Education to establish the Kindergarten Plus program during the 2005-2006 school year, to provide for participating students to receive full-day kindergarten beginning two months prior to the other kindergarten classes in the participating local school system. Provides for such program as a pilot program in at least one class of extended kindergarten in each of the eight regional service districts established pursuant to R.S. 17:3781-3784. Provides for proposals to be submitted to the state Dept. of Education by local public school boards for participation in the program by students who are eligible to attend kindergarten in the local school system and who are eligible for participation in the federal free and reduced cost lunch program. Provides for consideration and evaluation of such proposals by the department and for approval by BESE. Provides that the program shall be continued through the 2007-2008 school year and permits the department, beginning in the 2008-2009 school year, to expand the number of schools participating in the program, continue the pilot program limited to eight schools, or discontinue the program based upon an analysis of the evaluations conducted. Requires that a report be provided annually to the Senate and House education committees on the progress, evaluations, evaluation analyses, and department determinations regarding the expansion, continuation, or discontinuation of the program. Provides that implementation of the program shall be subject to the appropriation of funds for such purpose.

## POSTSECONDARY EDUCATION/TUITION

### **HB 993 by Crane** (*Last Action – Senate Calendar*)

Would have extended the authority of the postsecondary education management boards relative to the establishment of tuition and mandatory attendance fee amounts for resident students and adjustments to such tuition and fee amounts (not to exceed a rate of increase of 3% annually, subject to the approval of the Joint Legislative Committee on the Budget) from July 1, 2005, to July 1, 2006, or upon authorization granted pursuant to R.S. 17:3129.5(B) for implementation of the state tuition policy required by such provisions, whichever is earlier.

Would have authorized the public postsecondary education management boards to impose certain operational fees (not to exceed 4% of the total mandatory tuition and fee amount in effect for each institution on Aug. 15, 2004) at the institutions under the supervision of each. Would have specified that the fee not be a cost payable by the state on behalf of students who receive TOPS awards. Would have required each board to establish criteria for waiving the fee in cases of financial hardship.

Would have required that any excess revenue resulting from the imposition of any tuition and fees as authorized by HB 993 be used by the institution solely for the enhancement of any instructional programs. Would have prohibited the use of such excess revenue to pay the salary of any university or university system administrator.

### **HB 1062 by Salter** *(Last Action –Sent to Governor)*

Authorizes the LSU Board of Supervisors to impose specific tuition and attendance fee amounts for certain students attending the LSU Health Sciences Centers and requires the board to establish criteria for waivers of such amounts in cases of financial hardship. Further authorizes the board to impose a professional program fee of up to \$2,000 a semester, beginning with the Fall, 2005 semester, for full-time MBA students at LSU-Baton Rouge and UNO.

Authorizes the public postsecondary education management boards to impose certain operational fees (not to exceed 4% of the total mandatory tuition and fee amount in effect for each institution on Aug. 15, 2004) at the institutions under the supervision of each. Specifies that the fee shall not be a cost payable by the state on behalf of students who receive TOPS awards and specifies that the fee shall be in addition to any other tuition or attendance fees and charges established by each board. Requires each board to establish criteria for waiving the fee in cases of financial hardship and requires that any excess revenue resulting from the imposition of such an operational fee be used by the institution solely for the enhancement of any instructional programs. Prohibits the use of such excess revenue to pay the salary of any university or university system administrator.

### **HB 1357 by Strain** *(Last Action –Sent to Governor)*

Provides for a loan program for certain veterinary students and for loan forgiveness in return for service. Provides for legislative findings and purpose, including bringing about an

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adequate supply of capable food animal veterinarians in the state by inducing veterinary students to practice food animal veterinary medicine in the state, definitions, eligibility requirements, commission rules and regulations, loan amounts, loan forgiveness, contract requirements, and funding.

### **HB 1652 by Thompson** (*Last Action –Sent to Governor*)

Relative to the tuition payment program for medical school students attending the LSU medical schools (as provided in R.S. 17:3041.10-3041.15), provides the program purpose is to provide an incentive for medical school students to practice medicine in the rural or medically disadvantaged areas of the state upon becoming licensed, practicing physicians. Provides relative to program eligibility criteria, definitions, number of recipients, and contractual obligations. Requires participants to agree to practice the profession in a rural or poor community in La. as determined by the LSU Health Sciences Center for at least five consecutive years after completion of their medical education and upon becoming licensed, practicing physicians. Limits the total number of program recipients to no more than 10 in any one year. Specifies that program implementation is subject to the appropriation of funds by the legislature for such purpose.

Further provides for a tuition exemption program (substantially the same as the LSU program) for students attending the Tulane University School of Medicine but limits the total number of program recipients to no more than five in any one year.

### **SB 641 by Malone** (*Last Action –Sent to Governor*)

Provides that any firefighter who is injured in the performance of his duties as a firefighter and such injury results in an inability to be employed shall be admitted to a public college or university without the payment of any fees, tuition, or other charges, including room and board charges, if the firefighter meets certain specified criteria. Provides that such exemption shall exist for such firefighter for the number of semesters required of a full-time student to obtain one bachelor degree offered by the college or university but limits the exemption to no more than 10 semesters per firefighter. Provides that in addition to the exemption, the firefighter shall be entitled to a cash grant of \$250 per semester from the college or university as an allowance for books. Specifies that the implementation of SB 641 shall be paid out of funds appropriated from the state general fund.

Also provides such tuition exemption for the spouse of a firefighter injured in the course and scope of the performance of his duties which injury causes death or serious injury resulting in an inability to be employed. Provides the same eligibility criteria, limitations, \$250 cash grant, and funding provisions as stated above.

### **HB 1474 by Dove** (*Last Action-Act No. 288*)

Provides that tuition and mandatory attendance fee amounts applicable to students enrolled in L. E. Fletcher Technical-Community College and Sowela Technical-Community College may be increased by the Board of Supervisors of Community and Technical Colleges but specifies that such amounts shall not exceed the median amount of tuition and mandatory attendance fees applicable to students enrolled in other La. public college and universities offering academic undergraduate degrees at the associate degree level but not baccalaureate degrees. Requires the board to report to the House and Senate education committees by not later than 60 days prior to the beginning of each regular legislative session on the purposes for which monies received from the tuition increase have been expended.

**HCR 298 by Crane** *(Last Action-Filed with Secreary of State)*

Requests the public postsecondary education management boards to use the authority granted each of them and establish, by not later than the fall semester of the 2005-2006 academic year, tuition and mandatory attendance fee amounts applicable to nonresident students at institutions under their respective supervision and management that at least equal the average amount of annual tuition and mandatory attendance fees for the ensuing fiscal year applicable to nonresident students at institutions in states comprising the Southern Regional Education Board (SREB), excluding Louisiana, which are in the same category as established by SREB.

**TUITION OPPORTUNITY PROGRAM FOR STUDENTS (TOPS)**

**HB 32 by Martiny** *(Last Action - Sent to Governor)*

Relative to TOPS high school core curriculum requirements for Opportunity, Performance, and Honors awards for students who graduate from high school during the 2007-2008 school year and thereafter, retains the requirement that a student must have successfully completed at least 17 ½ units of high school course work from a specified core curriculum, deletes the requirement for an additional one unit from among certain computer courses, and adds the requirement for an additional one unit as an elective from among the other math and science core curriculum subjects.

**SB 435 by Theunissen** *(Last Action-Sent to Governor)*

Relative to high school core curriculum requirements for a TOPS Opportunity, Performance, or Honors award, adds Agriscience I and II, both for one unit, to the selection of eight other science classes from which a student must take one unit. Specifies, however, that the one unit for Agriscience I and II shall not be considered a science elective for the purposes of meeting the requirement placed on students who graduate during the 2007-2008 school year and thereafter for an additional one unit from among core curriculum science or math classes pursuant to HB 32 of the 2004 Regular Session.



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Relative to high school core curriculum requirements for a TOPS-Tech Award, adds Agriscience I and II, both for one unit, to the selection of nine other science classes from which a student must take one unit.

### **HB 487 by T. Powell** *(Last action-Sent to Governor)*

Effective for the 2004-2005 award year and thereafter, provides for TOPS Opportunity, Performance, and Honors awards for certain students who do not otherwise qualify for such awards if such a student meets certain guidelines, including but not limited to having actually resided in Louisiana for at least two years prior to his first enrollment in an eligible college or university, having a score that is at least in the superior range on the Wechsler Intelligence Scale for Children (or has an equivalent score on a comparable diagnostic instrument), having a composite score that is at least at the 90th percentile at the 12th grade level in the reading, mathematics, and written language portions of the Wechsler Individual Achievement Test (or has an equivalent score on a comparable test), and having at least the same minimum ACT/SAT score as otherwise required of graduates from La. high schools for the respective awards.

### **SB 224 by Malone** *(Last Action-Sent to the Governor)*

Provides that a TOPS award may be applied to cover federally defined "costs of attendance" for a student other than tuition.

## **POSTSECONDARY EDUCATION/FINANCIAL AID**

### **SB 617 by Ullo** *(Last Action –Sent to Governor)*

Requires the Board of Regents to develop and maintain a comprehensive state student financial aid plan that supports the Master Plan for Public Postsecondary Education. Requires the board to consider all sources of financial aid available to students attending or seeking to attend postsecondary education institutions in La. and the financial needs of such students. Requires that the plan contain recommendations regarding student financial aid necessary to implement the policies and achieve the goals and objectives defined in the Master Plan for Public Postsecondary Education. Requires review and approval by the Senate and House education committees prior to the implementation of the recommendations.

## **POSTSECONDARY EDUCATION/GOVERNANCE**

### **HB 887 by Bruneau** *(Last Action-Failed to Pass/House)*

Proposed constitutional amendment would have abolished the Board of Regents and the four designated management boards and created instead the Board of Governors for the Louisiana University and College System. Would have transferred to this board all powers, duties,

functions, responsibilities, and property of the abolished boards, including institutions and programs under their management and supervision. Would have required that the Board of Governors plan, coordinate, manage, govern, and have authority over the academic, budgetary, personnel, and administrative affairs of all public postsecondary education institutions, which collectively would comprise a single system of public postsecondary education. Would have authorized other powers, duties, and responsibilities as provided by the constitution or statute.

**HCR 263 by Downs** *(Last Action-Filed with Secretary of State)*

Requests the Board of Regents to study the need for and feasibility of establishing a single board for the governance, management, and supervision of all public postsecondary education, including but not limited to the advantages and disadvantages of such a governance structure and any potential cost savings associated therewith, and to report study findings and recommendations in writing to the legislature, with copies sent to the House and Senate education committees, at least 60 days prior to the start of the 2005 Regular Session.

**SCR 138 by L. Jackson** *(Last Action-Filed with Secretary of State)*

Requests the Board of Regents to initiate a study of the creation of the LSU Health Sciences Center in Shreveport, which now exists as part of the statewide LSU Health Sciences Center, as an independent institution of postsecondary education and a statutorily defined component of LSU under the supervision and management of the LSU Board of Supervisors. Requires a written report prior to the 2005 Regular Session.

### **POSTSECONDARY EDUCATION/ADMISSIONS**

**HB 177 by Montgomery** *(Last Action-Sent to Governor)*

Beginning with the 2004-2005 academic year, exempts an out-of-state person who seeks admission to any college or university in the La. Community and Technical College System, as well as an out-of-state person who seeks admission to any La. public college or university, and who meets NCAA initial eligibility standards for participation in intercollegiate athletics from statutory provisions requiring such person to have attained a minimum ACT score (or SAT equivalent score) of at least 17.

### **CIVIC EDUCATION**

**SB 11 by Theunissen** *(Last Action-Sent to Governor)*

Establishes the Louisiana Commission on Civic Education to educate students on the importance of citizen involvement in a representative democracy and promote

## Education

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communication and collaboration among organizations in the state that conduct civic education programs.

# ENVIRONMENT

## AIR QUALITY/VEHICLE EMISSIONS

**HB 377 by Damico** *(Last Action – Sent to Governor)*

**HB 110 by Damico** *(Last Action – House Committee)*

**HB 519 by Damico** *(Last Action – House Committee)*

Increases the fee from \$3 to \$8 for performing vehicle emission inspections. The inspections are required in the "Baton Rouge five parish area", made up of the parishes of East Baton Rouge, West Baton Rouge, Iberville, Ascension, and Livingston, by the 1990 Amendments to the Clean Air Act due to failure to meet ozone standards. From the fee, DEQ shall receive \$2, for an increase of \$1, and the privately owned inspection stations shall retain the remaining \$6, for an increase of \$4.

The bill also gives the department authority to reduce the frequency of inspections and the authority to exempt certain model years as allowed by the Environmental Protection Agency.

## WASTE TIRES

**HB 846 by Morrish** *(Last Action – Sent to Governor)*

**HB 697 by Damico** *(Last Action – House Calendar)*

Authorizes the secretary to charge the fee which is currently collected on the sale of new tires, and which is \$2 per passenger/light truck tire, \$5 per medium truck tire, and \$10 per off-road tire, on the sale of all tires. These fees are collected by tire dealers, referred to as generators, and deposited into the Waste Tire Management Fund, which is used to operate the waste tire program in DEQ. One aspect of that program is to reimburse waste tire processors for scrapping waste tires generated within the state. The bill establishes the rate at which the processors are to be reimbursed: \$1.50 per 20 lbs. of waste tire processed.

The bill provides for how the processors are reimbursed in the event the Fund is insolvent and how arrearage is paid when the Fund has a surplus. Requires that the secretary or his designee annually appear before the oversight committees to report on the status of the program.

## SANITARY CODE

**HB 1125 by Damico** *(Last Action – Sent to Governor)*

Provides that a facility engaged in the certain activities or industries is exempt from the Sanitary Code provision requiring color coded piping and outlets conveying potable and nonpotable water, if the facility has some other plan for potable water distribution identification. Specifies certain elements of an identification plan.



# Health and Welfare

## CHARITY HOSPITALS

### **SB 275 by Nevers** *(Last Action – Sent to Governor)*

Extends certain requirements included in SB 867 of the 2003 Regular Session relative to Louisiana State University - Health Sciences Center - New Orleans to provide that the quarterly report prepared by the division include a fiscal year overview and any planned reductions at division hospitals and the length of time that patients wait for services at each individual division hospital. Requires that additional copies of the same quarterly report that is submitted to the Joint Legislative Committee on the Budget also be submitted to the Senate and House Committees on Health and Welfare.

Also extends the date from January to July 2005 within which the Department of Health and Hospitals must implement a common Medicaid and disproportionate share payment methodology.

### **SB 770 by Fields** *(Last Action – Sent to Governor)*

Provides for the establishment of University Medical Center in Baton Rouge as a new state public hospital to be placed under the authority of Louisiana State University-Health Sciences Center - New Orleans.

### **SCR 84 by McPherson** *(Last Action –Filed with Secretary of State)*

Requests the Department of Health and Hospitals to conduct a study relative to the health care delivery system in Louisiana with the goal of establishing a more integrated health care delivery system statewide. The department is directed to focus its study on an examination of proposals for expanding information technology and telemedicine to move the health care delivery system into the Twenty-first Century and on proposals for providing more local control and operation of the hospitals and finding possible means of revenue in addition to state revenue.

## CHILDREN

### **HB 569 by Triche** *(Last Action – Act No. 380)*

Authorizes the Department of Social Services to require private collection agencies to comply with the Fair Debt Collection Practices Act and the Federal Trade Commission Act when the agency is handling any portion of a case to which the state is required to provide services. Authorizes the Department of Social Services to proceed with establishing a court order for child support and medical support without establishing paternity if the father's name already appears on the birth certificate.

## Health and Welfare

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### **HB 956 by Durand** *(Last Action –Sent to Governor)*

Creates an early intervention pilot program in the parishes of Iberia, St. Mary, and St. Martin to address the underlying causes of behavioral problems and school performance problems related to behavior.

### **HB 1285 by Jefferson** *(Last Action – Act No. 278)*

Directs the Department of Health and Hospitals to add to the list of genetic conditions for which newborns are tested after consulting with medical geneticists from each of the state's medical schools.

## **DEVELOPMENTALLY DISABLED**

### **HB 1042 by Triche** *(Last Action –Sent to Governor)*

Establishes a pilot program for children with developmental disabilities to be maintained by the office for citizens with developmental disabilities in the Department of Health and Hospitals. Provides that the pilot program shall replace the establishment of the pilot juvenile diagnostic development centers for at-risk youth in urban areas and shall provide services including assessment, counseling, structured activities, and living options for juveniles.

### **HB 1611 by Dorsey** *(Last Action – House Calendar)*

Creates the developmental disability law to provide for a developmental disabilities services system to be administered by the office for citizens with developmental disabilities (OCDD).

## **FEES/LICENSES/PERMITS**

### **HB 1476 by Walsworth** *(Last Action – House Calendar)*

Provides for the licensing and regulation of anesthesiologist assistants.

### **SB 875 by McPherson** *(Last Action –Sent to Governor)*

Repeals the provisions relating to Substance Abuse Counselor Certification and replaces it with the Addictive Disorders Practice Act, including the standards for addictive disorder professionals. Such professionals include: licensed addiction counselors, certified addiction counselors, registered addiction counselors, counselors-in-training, addiction treatment assistants, certified clinical supervisors, certified gambling counselors, certified prevention specialists, registered preventionists and prevention-specialists-in-training. Also disbands the Louisiana State Board of Certification for Substance Abuse Counselors and places the Department of Health and Hospitals, office for addictive disorders as the credentialing

authority for addictive disorder professionals. Creates a transition committee to advise relative to the transition from the board credentialing applicants and policing the profession to having the department perform those functions. Requires that the regulatory authority granted to the department under proposed law be transferred to a board on July 1, 2007, and requires the department to take necessary steps to accomplish this transfer.

**HB 1556 by Dorsey** (*Last Action – House Committee*)

Requires the licensure of Alzheimer special care units by the Department of Health and Hospitals.

**HB 272 by Durand** (*Last Action – Act No. 248*)

Creates the Louisiana Emergency Response Network Board and places it within DHH in order to safeguard the public health, safety, and welfare of the people of this state against unnecessary trauma and time-sensitive related deaths and incidents of morbidity due to trauma. Establishes a comprehensive, coordinated statewide system for access to regional trauma-patient care throughout the state. This system shall be compatible and interfaced with the Louisiana Military Department, Office of Homeland Security and Emergency Preparedness.

**HB 1534 by Morrish** (*Last Action – House Committee*)

Provides for the licensing and regulation of naturopathic physicians. Provides for regulation of the practice of naturopathic physicians by the State Board of Medical Examiners, including receiving advice from the Louisiana Naturopathic Medicine Advisory Committee.

## GENETICS

**SB 74 by Hines** (*Last Action – House Calendar*)

Prohibits cloning of human beings but does not prohibit or authorize scientific research or cell-based therapy that is not specifically prohibited.

## HEALTH AND HOSPITALS

**SB 808 by Hines** (*Last Action – Sent to Governor*)

Requires certification by the Rural Hospital Coalition, Inc. as a "small rural hospital" as well as approval by the Centers for Medicare and Medicaid Services (CMS) for a hospital to receive disproportionate share funds.



# Health and Welfare

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## NURSES

### **HB 1290 by Townsend** (*Last Action – Act No. 279*)

Provides that only certified registered nurse anesthetists, physicians, dentists, perfusionists or other explicitly authorized providers shall select or administer any form of anesthetic either directly or by delegation, unless otherwise provided by law.

## NURSING HOMES

### **HB 1612 by Dewitt** (*Last Action – House Committee*)

Provides for the unannounced visits of persons receiving personal care services, adult residential care home services, adult day health care services, and elderly and disabled adult services. Provides that appropriations from the Health Trust Fund may be used to staff the adult protection agencies in order to conduct these unannounced visits.

## OPTOMETRISTS

### **HB 330 by Durand** (*Last Action – House Committee*)

Provides for a change in the definition of "diagnostic and therapeutic pharmaceutical agent" to include a narcotic but no other drug or substance listed in Schedule I and Schedule II of the Uniform Controlled Dangerous Substance Law. Authorizes licensed optometrists to use or prescribe certain diagnostic and therapeutic pharmaceutical agents in diagnosing, preventing, and treating abnormal conditions and pathology of the eye and its adnexa.

## PHYSICIAN ASSISTANTS

### **HB 1140 by Durand** (*Last Action – Act No.10*)

Provides prescriptive authority for physician assistants who meet certain specified criteria and who have completed at least one year of clinical rotations and three years of practice under a supervising physician. Limits this prescriptive authority to drugs contained in Schedules III, IV, and V of the Uniform Controlled Dangerous Substance Law and legend drugs and medical devices to the extent delegated by the supervising physician. Prohibits the physician assistant from administering and prescribing narcotics.

### PHARMACISTS/PRESCRIPTION DRUGS

#### **HB 1402 by Walker** *(Last Action –Sent to Governor)*

Provides for the return, exchange, and redispensing of certain medications to charitable pharmacies for purposes of serving the indigent population.

#### **HB 1426 by Salter** *(Last Action – Act No.11)*

Provides limited prescriptive authority to specially trained medical psychologists. Prohibits medical psychologists from prescribing narcotics.

### PUBLIC HEALTH

#### **HB 1715 by Durand** *(Last Action –Sent to Governor)*

Creates the Louisiana Bio-Recovery Technician Certification Commission under DHH to certify and regulate bio-recovery technicians in order to regulate the handling and treatment of biomedical waste that consists of human blood or bodily fluids as a result of death, serious injury, or illness, thereby preventing the spread of tuberculosis, meningitis, syphilis and other venereal diseases, HIV/AIDS, hepatitis, and other infectious diseases. Establishes qualifications for certification. Authorizes suspension or revocation of a certificate and penalties for violations.

#### **HB 249 by Badon** *(Last Action – House Committee)*

Prohibits smoking in restaurants, including those restaurants that serve alcoholic beverages.

### SOCIAL SERVICES

#### **HB 1324 by Broome** *(Last Action – House Committee)*

Establishes the "flexible funding act of 2004: money follows the individual" to provide for a policy which permits persons living in private nursing homes and Intermediate Care Facility/Mental Retardation to move to a community based setting and receive their services through one of several Medicaid waivers.

#### **HB 1363 by Winston** *(Last Action – Sent to Governor)*

Provides for the creation of youth services advisory boards in each judicial district.

## Health and Welfare

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**SB 654 by Bajoie** (*Last Action – Sent to Governor*)

Provides for eligibility for FITAP benefits and removes restrictions on earned income disregard for TANF.

# HOUSE AND GOVERNMENTAL AFFAIRS

## CAMPAIGN FINANCE

### **HB 1015 by Lancaster** *(Last Action – Sent to Governor)*

Prohibits the governor from accepting and depositing certain campaign contributions, loans, or transfers of funds for his own campaign during a regular legislative session and for a period of 30 days after such a session adjourns and requires the return of any such contribution, loan, or transfer of funds within 10 days of receipt. Prohibits a legislator from accepting and depositing certain campaign contributions, loans, or transfers of funds for his own campaign during a regular legislative session and requires the return of any such contribution, loan, or transfer of funds within 10 days of receipt. Exempts (1) an expenditure by the elected official for his own campaign or a contribution, loan, or transfer of funds by the elected official to his own political committee; (2) a candidate for U.S. senator or U.S. representative; (3) an office to be filled by an election which occurs during the regular legislative session or within 60 days after such regular legislative session adjourns; (4) for the governor, an office other than the office of governor; and (5) for legislators, an office other than member of the state legislature. For legislators, still requires the notice of a fundraiser during session for fundraisers for those offices for which the member may still accept contributions under the exceptions. The present law penalties which apply to violations of the prohibition are (1) for legislators, a civil penalty for each violation in an amount not to exceed \$300 and criminal penalties of not more than six months in jail or a fine of not more than \$500, or both for knowing, willful, and fraudulent violations and (2) for the governor, a civil penalty for each violation in an amount not to exceed \$500 and criminal penalties of not more than six months in jail or a fine of not more than \$500, or both for knowing, willful, and fraudulent violations.

### **HB 430 by Murray** *(Last Action – Failed to Pass/Senate)*

Would have provided that prohibitions against campaign contributions made by persons substantially interested in the gaming industry do not apply to any account of a political committee affiliated with a recognized political party and organized under the laws of another jurisdiction, provided that such account is kept separate and no funds from the account are used to support or oppose any Louisiana candidate or the political committee thereof. Also would have required that prior to making such a contribution, the person must expressly request that such political committee shall not use the funds to support a Louisiana candidate or the political committee thereof. The provisions of HB 430 were amended into HB 510 by Montgomery by senate committee amendments.

### **HB 510 by Montgomery** *(Last Action –Sent to Governor)*

Amended in senate committee to remove provisions of HB 510 as introduced relative to the public service commissioners and the commissioner of insurance, and added the provisions of HB 430 relative to campaign finance contributions made by persons related to the gaming

## House and Governmental Affairs

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industry. (See discussion of HB 430 by Murray, above.) In the form that HB 510 finally passed the House, it would have limited campaign contributions made by certain persons under the jurisdiction of the Public Service Commission (persons conducting activities regulated by the commission or having a substantial economic interest which may be affected by the commission) to candidates for public service commissioner or political committees participating in the election of a public service commissioner. Contributions would have been limited to \$500 in the year preceding the election. Would have created similar campaign contribution limitations for certain persons under the jurisdiction of the Dept. of Insurance, or whose interests are affected by the Dept. of Insurance, or whose activities are regulated by the Dept. of Insurance relative to contributions made to candidates for commissioner of insurance or political committees participating in the election of the commissioner of insurance.

### **HB 481 by Lancaster** *(Last Action – Sent to Governor)*

Increases the amounts of contributions in the 20 days prior to an election that require reporting within 48 hours by a candidate for district or major office and a political committee participating in his election. Increases the amounts for contributions made to major and district office candidates that must be reported from \$500 to \$1,000 (major) and from \$250 to \$500 (district). Increases the amounts for contributions made to political committees participating in the election of major and district office candidates that must be reported from \$500 to \$1,000 (major) and from \$250 to \$500 (district).

### **HB 1126 by Murray** *(Last Action –Sent to Governor)*

Requires persons who make independent expenditures in support or opposition to a candidate or who accept contributions in candidate elections to file 48-hour reports in the 20 days prior to an election if such contributions or expenditures are in excess of: \$1,000 in support or opposition to a candidate for any major office; \$500 in support or opposition to a candidate for district office; and \$500 in support or opposition to a candidate for any other office. Provides that the definition of "person" for purposes of campaign finance laws includes a limited liability company or corporation.

## **ELECTIONS**

### **HB 728 by Bruneau** *(Last Action – Failed to Pass/Senate)*

Would have moved the time of the election for all of the persons elected at the same time as the governor to the congressional elections in the year of the presidential election. The offices to be moved included governor, Lt. governor, secretary of state, attorney general, state treasurer, commissioner of agriculture, commissioner of insurance, the Board of Elementary and Secondary Education, state senators, state representatives, sheriffs (except in Orleans), clerks of court (except in Orleans), assessors (except in Orleans), coroners (except in Orleans), parish presidents (except in East Baton Rouge and Plaquemines), parish governing

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authority members (except in East Baton Rouge, Orleans, and Plaquemines), and the offices of the municipality of Vienna. To accomplish this change, the term for all of the affected offices, except the office of tax assessor, would have been extended for one year.

### **HB 1657 by Dartez** *(Last Action –Sent to Governor)*

Requires the notice of candidacy to include in the certificate signed by the candidate a certification that he does not owe any outstanding fines, fees, or penalties pursuant to the Campaign Finance Disclosure Act (CFDA). Defines "outstanding fine, fee, or penalty" to mean a fine, fee, or penalty equal to an amount of \$250 or more assessed by order of the Supervisory Committee on Campaign Finance Disclosure pursuant to the CFDA, which has been converted into a court order for which all appeals have been exhausted or a judgment of a district court assessing civil penalties pursuant to the CFDA which has become executory. Specifies that such definition shall not mean any fine, fee, or penalty which has been paid in full or for which the candidate is in compliance with a payment plan established in writing between the supervisory committee and the candidate. Provides that an action to object to the candidacy of a person who qualified as a candidate in a primary election may be based on the grounds that the defendant falsely certified on his notice of candidacy that he does not owe any outstanding fines, fees, or penalties pursuant to the CFDA and provides that the supervisory committee may bring an action objecting to a candidate in a primary election on such grounds.

### **HB 180 by Futrell** *(Last Action – Sent to Governor)*

Relative to commissioners who serve at the polls on election day, provides for a parish board of election supervisors, upon its determination that there is a shortage of commissioners, to select and schedule two commissioners to each serve for half of an election day. Provides for a commissioner who has worked half of an election day to receive half of the compensation that a commissioner would receive for working a full election day. Makes provisions of proposed law effective for two years.

### **SB 561 by Fontenot** *(Last Action –Sent to Governor)*

Provides for commissioners to work for half of an election day, similar to HB 180 by Representative Futrell. Would have provided for an increase in compensation for certain commissioners and commissioners-in-charge; however, those provisions were removed by a house committee. See also similar bills HB 1138 by Dorsey, HB 135 by Lancaster, and SB 121 by Jones.

### **HB 1138 by Dorsey** *(Last Action – House Committee)*

Would have provided for a parish board of election supervisors, upon its determination that there is a shortage of commissioners, to select and schedule two commissioners to each serve for half of an election day and for a commissioner who has worked half of an election day

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to receive half of the compensation that a commissioner would receive for a full election day. Would have increased the compensation of commissioners-in-charge and commissioners who serve at the polls on election day.

### **HB 136 by Lancaster** *(Last Action – House Committee)*

Would have increased compensation of commissioners and commissioners-in-charge who serve at the polls on election day.

### **SB 121 by C. D. Jones** *(Last Action – House Committee)*

Would have increased compensation of certain commissioners and commissioners-in-charge who serve at the polls on election day.

### **HB 135 by Lancaster** *(Last Action – House Committee)*

Would have changed the hours the polls are open on election day to be from 7 a.m. to 7 p.m. instead of 6 a.m. to 8 p.m.

### **HB 774 by Waddell** *(Last Action – House Committee)*

Would have changed the hours the polls are open on election day to be from 7 a.m. to 7 p.m. instead of 6 a.m. to 8 p.m. Would have removed requirements for voting absentee in person and instead provided for any qualified voter to vote absentee in person. Would have changed terminology throughout the election code from "absentee in person voting" to "early voting".

### **HB 144 by Katz** *(Last Action – House Committee)*

Similar to HB 774 by Representative Waddell, except it did not provide for the change in terminology from "absentee in person voting" to "early voting".

### **HB 1450 by Morrell** *(Last Action – Senate Calendar)*

Would have provided for elections for members of congress and officers elected at the same time as members of congress to be held every two years in even-numbered years as follows: primary elections to be held on the first Tuesday after the first Monday in November of an election year (federal election day); general elections to be held on the fifth Saturday after federal election day (will usually fall in December).

### **HB 1605 by Daniel** *(Last Action –Sent to Governor)*

Provides for a political party to become recognized if 90 days prior to the opening of the qualifying for any election at least 1,000 registered voters are registered as affiliated with such political party. Requires such party to file a registration statement with the office of the

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secretary of state and pay a registration fee of \$1,000. Provides that any political party so recognized shall not be subject to the exemption from certain campaign contribution limits for recognized political parties. Provides for the words "no party" or an abbreviation thereof to appear after a candidate's name on the ballot if a candidate is not affiliated with any political party.

**HB 1709 by Jefferson** (*Last Action – House Calendar*) (Substitute for HB 840)

Would have changed the deadline for closing voter registration from 30 days prior to the election to eight days prior to the election.

**HB 1204 by Karen Carter** (*Last Action – House Committee*)

Would have allowed for voter registration to continue until election day.

**SB 184 by Fields** (*Last Action – Senate Committee*)

Would have allowed persons to register to vote and vote on election day.

### LEGISLATIVE AUDITOR

**HB 490 by Ritchie** (*Last Action – Sent to Governor*)

Specifies that an entity that establishes scholastic rules under specified present law which rules are the basis of BESE policy to be adhered to by all high schools under BESE's jurisdiction shall not be required to be audited by the legislative auditor, but instead shall file an audit prepared by an audit firm approved by the legislative auditor. Provides that the Legislative Audit Advisory Council may direct an audit by the legislative auditor of such entity upon a finding of cause.

**HB 899 by Gallot** (*Last Action – Sent to Governor*)

Provides for the definition of private, nonprofit corporations which support public higher education institutions to include any nonprofit corporation whose primary purpose is to finance the design, construction, renovation, or equipping of facilities to be leased to public institutions of higher learning. Provides that such nonprofit corporations shall be audited annually by an independent professional auditor who shall furnish the legislative auditor copies of his annual audit.



# House and Governmental Affairs

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## LOBBYING

### **HB 1246 by LaFleur** (*Last Action – Act No. 116*)

Provides for the registration and disclosure of lobbyist expenditures on an executive branch official. Defines "lobbyist" as any person who is employed to act in a representative capacity for the purpose of lobbying if lobbying constitutes one of the duties of such employment, or any person who receives compensation of any kind to act in a representative capacity when one of the functions for which compensation is paid is lobbying and makes expenditures of \$500 or more in a calendar year for the purpose of lobbying. Specifies that elected and appointed officials and their designees acting in the performance of public duties shall not be considered to be lobbyists. Requires registration and payment of \$110 registration fee with the Ethics Board within five days of employment as a lobbyist or within five days after the first action requiring registration as a lobbyist. Lobbyist expenditure reports must include (1) the total of all expenditures made during each reporting period (aggregated as prescribed by the board of ethics by rule) and during the same calendar year; (2) the aggregate total of expenditures attributable to an individual executive branch official during each reporting period and during the same calendar year, including the name of the executive branch official and the name of his executive branch agency (Note: Reporting expenditures by individual by name is triggered by the expenditure on that person of more than \$50 per occasion or \$250 in a reporting period); and (3) a statement of the expenditure for each reception, social gathering, or other function to which more than 25 executive branch officials are invited and the name of the group or groups invited and the date and location of the reception, social gathering, or other function (specifies that such expenditures do not aggregate towards any individual executive branch official). Provides for additional exemptions.

### **HB 1215 by LaFleur** (*Last Action –Sent to Governor*)

Requires persons who have or who are seeking to obtain a contractual or other relationship with a state or statewide public retirement system to disclose expenditures on public servants affiliated with such retirement systems. Person must make expenditures of \$500 in a calendar year to be required to report. Requires semiannual reports of all expenditures by such persons for a retirement official or officials (1) by August 15th for the period from January 1st through June 30th; and (2) by February 15th for the period from July 1st through December 31st. Provides that expenditures are attributable to an individual retirement official when the aggregate expenditure for such retirement official exceeds the sum of \$50 per occasion or when the aggregate expenditure for such retirement official exceeds the sum of \$250 in a reporting period.

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## House and Governmental Affairs

### PUBLIC RECORDS

**SB 579 by Jones** (*Last Action –Sent to Governor*) (Duplicate of HB 744 by Lancaster)

Provides that certain records in the possession of the Dept. of Economic Development pertaining to negotiations relative to economic or business development activities shall be confidential until negotiations are concluded. Requires the secretary of the Dept. of Economic Development to determine that the disclosure of the records would have a detrimental effect on the negotiation and to specify his reasons for such determination. Requires the secretary to publish a notice containing general information about the negotiation in the official journal of the state within 10 days of the determination. Requires the notice to include the date of the determination. Specifies that such information shall not remain confidential for more than a 24-month period. Specifies that immediately upon the conclusion of the negotiation, all such records shall be subject to the provisions of law relative to public records. Provides that the exemption does not apply to any application for a license or permit or to any records of negotiations concerning any hazardous waste or waste site. Provides that the provisions for the exemption sunset on July 1, 2008.

**SB 730 by Dupre** (*Last Action – Sent to Governor*)

Provides that any request for payments over \$1,000 to or on behalf of or to reimburse the expense of a public employee of a public higher education institution or public employee or officer of a management board of a public higher education institution by a nonprofit organization shall be approved in writing by the appropriate public higher education management board and that such approval shall be a public record.

**HB 421 by Beard** (*Last Action –Sent to Governor*)

Exempts certain proprietary and trade secret information pertaining to any code, pattern, formula, design, device, method, or process from the laws relative to public records. Specifically exempts from disclosure proprietary or trade secret information pertaining to any code, pattern, formula, design, device, method, or process which is proprietary or trade secret information which has been submitted to a public body by the developer, owner, or manufacturer of a code, pattern, formula, design, device, method, or process in order to obtain or retain approval of such code, pattern, formula, design, device, method, or process for sale or use in this state. Also exempts proprietary or trade secret information pertaining to any code, pattern, formula, design, device, method, or process which has been submitted to the public body in order to facilitate the further research, development, or commercialization of such code, pattern, formula, design, device, method, or process. Provides a procedure for the marking of such information and for certain determinations by the custodian of the record.

# House and Governmental Affairs

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## REDISTRICTING

### **HB 910 by Lancaster** (*Last Action – Sent to Governor*)

Changes the composition of House Districts 2 and 4 in Caddo Parish, House Districts 51 and 60 in Assumption Parish, and House Districts 54 and 55 in Lafourche Parish. Provides that the 105 representative districts are effective for all purposes. Specifies that the provisions of the Act shall not affect or reduce the term of office of any House member elected at the regular election in 2003 or of any member elected pursuant to a special election held prior to the effective date of the changes. Specifies that each member of the House in office on the effective date of the changes shall be the member of the House for the district having the same designation as the district from which the member was elected and shall complete the term for which he was elected.

## GOVERNMENT REORGANIZATION

### **HB 1276 by Montgomery** (*Last Action – Act No. 7*) (Duplicate of SB 486 by Cravins)

Creates youth services as a separate entity in the Department of Public Safety and Corrections (DPS&C), similar to corrections services and public safety services (the two other main components of DPS&C). Provides that youth services is headed by a deputy secretary for youth services who reports directly to the governor. Provides that the duties and functions of the deputy secretary for youth services shall be as provided by law and shall not be subject to change by the department secretary. Provides that youth services is comprised of the office of youth development (moved from corrections services of DPS&C) and a new office of management and finance for youth services.

Provides for a transition plan for creation of the office of management and finance for youth services. Permits the plan to provide for contracting for carrying out functions of the office. Requires that the plan provide for the least possible increased cost and for the maximum utilization of current resources of DPS&C to the extent possible, including services of the office of management and finance for corrections services. Provides that the transition plan shall be implemented after approval by the governor and the Joint Legislative Committee on the Budget.

# INSURANCE

## HEALTH INSURANCE

### **HB 344 by K. Carter** *(Last Action –Sent to Governor)*

Authorizes LaChoice as a pilot program established by the Department of Insurance and specifies that the department's pilot programs may provide for individual health insurance coverage as well as group coverage. Also provides that a blanket health and accident insurance policy may be issued to the Department of Health and Hospitals covering a group defined as all persons who are eligible for medical assistance pursuant to a coverage program implemented pursuant to approval of the secretary of the U.S. Department of Health and Human Services using authority granted under Section 1115 of the Social Security Act.

### **HB 448 by Hebert** *(Last Action – Sent to Governor)*

Provides for continuity of care by a physician or a health care provider under his direction when such physician or provider is terminated from a health plan if the patient has been diagnosed as being in a high-risk or late-term pregnancy or as having a life-threatening illness.

### **HB 759 by K. Carter** *(Last Action –Sent to Governor)*

Requires the Department of Insurance to establish a pilot program to increase access to affordable health insurance for eligible individuals under the federal Health Coverage Tax Credit program.

### **HB 986 by Hebert** *(Last Action – Act No. 269)*

Provides for standards relating to individual and group health benefits for mothers and newborns. Specifically provides that a newborn child upon birth shall become a dependent under any individual or group health plan or policy under which such child is eligible for enrollment.

### **HB 1468 by Townsend** *(Last Action –Sent to Governor)*

Establishes a 15 day prompt payment standard for electronic pharmacy claims. Also provides that nationally recognized benchmarks used to calculate the reimbursement to be paid to pharmacies or pharmacists by health insurance issuers shall be the most current price and shall be updated every three business days.

# Insurance

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**HB 1714 by Walsworth** *(Last Action – House Committee)*

**SB 856 by Hines** *(Last Action – Senate Committee)*

Would have enacted the Administrative Simplification Act, providing standards for prompt payment of health insurance claims, including provisions relative to nonelectronic and electronic claims submission, limitations on claim filing and audits, coordination of benefits, recoupment, regulations, and violations, cease and desist orders, and penalties.

**HCR 105 by Morrish** *(Last Action – Filed with Secretary of State)*

Continues the Task Force on the Working Uninsured, a special committee to examine and provide greater access to health insurance for the working uninsured, until January 1, 2007.

**SB 334 by Hainkel** *(Last Action – Sent to the Governor)*

Authorizes health insurers and health maintenance organizations to offer flexible health benefits policies, contracts, and agreements without state health insurance mandates or certain other requirements. Provides that such coverage may be offered to an individual or to a group of employees of an employer of 50 or fewer individuals.

## HEALTH INSURANCE MANDATES

**HB 732 by K. Carter** *(Last Action – Failed to Pass/House)*

Would have required health insurance coverage of certain medically prescribed contraceptives and contraceptive services when coverage is provided for prescription drugs. Contained an exclusion for certain religious employers.

**HB 1211 by Shepherd** *(Last Action – Sent to Governor)*

Provides that mandated coverage of the complete basic immunization series for dependent children up to age six shall not be subject to any deductible. Also removes provision exempting the Office of Group Benefits program from the mandated health insurance coverage of such immunizations.

**HB 1406 by Farrar** *(Last Action – House Committee)*

Would have required health insurance coverage of colorectal cancer screenings in accordance with the recommendations of the American College of Gastroenterology.

### INSURANCE AGENTS

#### **HB1183 by Erdey** *(Last Action – Sent to Governor)*

Provides that when the insurer cancels a policy any unearned premiums and commissions must be paid by the insurer to the insured, other persons entitled to the payments, and the agent of the insured. Further requires that the insurer notify the insured of any such payment to the agent.

### PROPERTY AND CASUALTY INSURANCE AND RATES

#### **HB 349 by Hebert** *(Last Action –Sent to Governor)*

Requires that an incident is not a claim on a homeowners or automobile insurance policy unless there is a demand for payment. Provides that the report of a loss or a question of coverage shall not establish a claim.

#### **HB 797 by Tucker** *(Last Action – Sent to Governor)*

Provides for a 25% discount for automobile liability insurance for active military personnel paid by a rebate from the state and administered by the commissioner of insurance. The fiscal note shows approximately \$800,000 cost to the state. Also prohibits, as an unfair practice, the refusal to issue insurance or to increase premiums based solely on the lapse of the policy due to the deployment of the military personnel.

#### **HB 1514 by K. Carter** *(Last Action –Sent to Governor)*

Creates a file and use rating system for all commercial lines of property and casualty insurance with a 45-day waiting period. Provides that each application for a rate change is to be on file for 45 days with the office of property and casualty. Unless disapproved in writing within the 45 days, the application is deemed to be approved. Once an application has been reviewed, the office of property and casualty may authorize its use prior to the expiration of the 45 days. By rule or order, the office may reduce the waiting period.

Provides that insurer of commercial entities, except with regard to workers' compensation and medical malpractice insurance, with not less than \$10,000 in annual premiums, are required to file insurance rates with the office for informational purposes only.

Prohibits the use of credit scores for commercial lines except for determining the interest rate for premiums financing.

# Insurance

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## **HB 1574 by Flavin** *(Last Action – Act No. 358)*

Allows insurers to convert an entire class of homeowners policies to another policy form as the policies are renewed, so long as those changes were filed with and approved by the commissioner. Provides that the policies subject to the conversion are continued in full force and effect for the term of the policy. Provides that a conversion does not constitute the cancellation or nonrenewal of any policy and is not grounds for the cancellation or nonrenewal of any policy by the insurer.

## **SB 732 by Cain** *(Last Action – Sent to Governor)*

Clarifies that the "unauthorized" insurance companies are approved by the Department of Insurance.

Requires that surplus lines companies deliver policies that are stamped with a notice that the policy is not covered by LIGA. Provides that the notice be stamped or printed on the policy and provides that the notice be either prominently displayed in red or if it is printed or stamped in black, that the notice be prominently offset by a black border.

## **DEPARTMENT OF INSURANCE**

## **SB 731 by Cain** *(Last Action – Sent to Governor)*

Creates the Louisiana Automobile Theft and Insurance Fraud Prevention Authority within the Dept. of Insurance for the purpose of combating motor vehicle insurance fraud, including fraud by theft. Provides that monies received as gifts, grants, donations, loans, and assistance will be deposited into a state-chartered bank and subject to annual audit by the legislative auditor.

Creates the Louisiana Automobile Theft and Insurance Fraud Prevention Authority Fund in the state treasury to receive funds for the purpose of the program.

Provides that by majority vote of the authority the funds may be used to pay the cost of administration and achieve the purposes of the authority, including providing financial support to public law enforcement, judicial agencies, and community organizations for educational programs and to prevent automobile theft and insurance fraud.

## **LIFE INSURANCE**

## **HB 1001 by K. Carter** *(Last Action – Sent to Governor)*

Provides for significant changes in the overall regulatory scheme over long-term care insurance. Provides for requirements of federally tax qualified long-term care insurance

contracts. Restricts limitations on eligibility for benefits for post-confinement, post-acute care, and recuperative care. Requires the offering of a nonforfeiture benefits for individual and group policies. Authorizes rule-making by the commissioner of insurance. Provides for fines for violations.

**SB 157 by Cain** (*Last Action – Sent to Governor*)

Provides that under existing funeral policies, if, upon the death of the insured, the dollar value of the funeral to be furnished, as stated in the policy, is less than the retail price of the funeral benefits specified in the policy, then the beneficiary is entitled to a cash payment equal to 100% of the face amount of the policy.

**SB 178 by Hainkel** (*Last Action – House Committee*)

Extends statutory life insurance beneficiaries to any organization to whom a charitable contribution could be made under the Internal Revenue Code, or any trust, partnership, limited liability company, or similar entity which is approved in writing by any organization to whom a charitable contribution could be made under the Internal Revenue Code, with the written consent of the individual insured, may be named the irrevocable beneficiary in or owner of any combination of a policy of life insurance issued by any life insurance company and annuity contract issued by any annuity company upon the life of any individual.





# JUDICIARY

## JUDGES

### **HB 152 by Murray**

#### **Constitutional Amendment** *(Last Action – House Committee)*

Would have required a judge of the supreme court, a court of appeal, district court, family court, parish court, or court having solely juvenile jurisdiction to have been admitted to the practice of law in this state for at least 10 years prior to his being qualified to run for election to office.

### **HB 411 by Toomy** *(Last Action – House Calendar)*

Would have increased the actual salary of supreme court, courts of appeal, and district court judges by four and one-half, four and six-tenths, and four and nine-tenths percent each year on July 1, 2004, and on July 1, 2005. Would have increased the state-paid actual salary of city court and parish court judges by four and nine-tenths percent on the same dates.

### **HB 412 by Toomy** *(Last Action – House Calendar)*

Would have required that judicial salaries be approved by concurrent resolution adopted by a favorable vote of the majority of the elected members of each house of the legislature. Would have provided that the salaries recommended in the report submitted by the Judicial Compensation Commission take effect on the first day of July of the year in which the report was submitted, if approved by the legislature.

### **HB 547 by LaFleur**

#### **Constitutional Amendment** *(Last Action – House Committee)*

Would have created the Court of Judicial Discipline as the authority to discipline a judge. Would have continued the Judiciary Commission, but would have changed its structure to be the investigative body prosecuting judicial misconduct.

## ASSISTANT DISTRICT ATTORNEYS

### **HB 1413 by Toomy** *(Last Action – Sent to Governor)*

Authorizes the creation of new assistant district attorney positions in various judicial districts in the state.

# Judiciary

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## HOLIDAYS

**HB 20 by Shepherd** (*Last Action – Sent to Governor*)

Provides that Dr. Martin Luther King, Jr.'s Birthday shall be a legal holiday observed by the departments of the state on the third Monday of January of each year or in conjunction with the day of the federal observance.

### **SPECIAL LEGISLATION**

#### **HB 27 by Guillory** *(Last Action-Sent to Governor )*

Designates gumbo as the official state cuisine.

#### **SB 8 by B. Gautreaux** *(Last Action – Sent to Governor)*

Designates St. Mary Parish as the "Gateway to the Atchafalaya Basin, home of some of the best bass fishing tournaments in the world".

#### **SB 716 by Hainkel** *(Last Action – Sent to Governor)*

Establishes February 6th as Ronald Reagan Day.

# LABOR AND INDUSTRIAL RELATIONS

## EMPLOYMENT

**HB 516 by Shepherd** *(Last Action – House Committee)*

**HB 691 by Johns** *(Last Action – Sent to Governor)*

**HB 1193 by Karen Carter** *(Last Action – Sent to Governor)*

House Bill 516 requires employers with 100 or more employees to provide six months of severance pay in the event of corporate consolidation, downsizing, layoff, or relocation.

House Bill 691 prohibits 17-year-olds who have not graduated from high school from working between midnight and 5 a.m. before any school day. Sixteen year olds who have not graduated from high school are prohibited from working between 11 p.m. and 5 a.m. before any school day. Minors under the age of 16 are prohibited from working between 7 p.m. and 7 a.m. prior to any school day and between 9 p.m. and 7 a.m. on any other day. The employment guidelines do not apply to minors employed in the dairy industry. The guidelines are also subject to any local curfew ordinance.

House Bill 1193 creates the Equal Pay Commission to study pay disparities affecting women and minorities. The commission is to be composed of representatives from various organizations and institutions of higher learning including the NAACP, the Women's Commission on Research and Policy, Southern University, LSU, and Xavier University. The members are appointed by the governor and must meet at least four times. The commission shall make findings and recommendations by February 1, 2006.

## UNEMPLOYMENT COMPENSATION

**HB 242 by Richmond** *(Last Action – House Committee)*

**HB 1379 by Hunter** *(Last Action – House Committee)*

**HB 1673 by Jefferson** *(Last Action – Sent to Governor)*

**HB 1707 by Gray** *(Last Action – Failed to Pass/House)*

House Bill 242 creates the "Victims' Domestic Violence and Economic Security Act". The Act would provide for job protection, unpaid leave, and maintenance of health benefits for victims of domestic violence.

House Bill 1379 provides unemployment benefits to victims of domestic violence under enumerated circumstances. The individual is required to produce certain documentation to prove the existence of domestic violence.

House Bill 1673 creates a self-employment assistance program for unemployment benefit recipients. Persons drawing unemployment benefits who meet certain established criteria may use their benefits in efforts to become self-employed.

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## **Labor and Industrial Relations**

House Bill 1707 creates the "Unemployment Insurance for Domestic Abuse Survivors Act". The Act would allow an individual to draw unemployment benefits if the individual is forced to leave his or her employment because of domestic violence issues. The individual would have to demonstrate the existence of domestic violence by producing certain documentation.

# MUNICIPAL, PAROCHIAL AND CULTURAL AFFAIRS

## LOCAL GOVERNMENT

### **HB 260 by Flavin** *(Last Action – House Committee)*

Would have provided that copies of the official proceedings of any local governing body must be furnished to the official journal within 10 days of any meeting or within 10 days from the date the minutes of the meeting were approved by the local governing body.

### **HB 441 by Gallot** *(Last Action –Sent to Governor)*

Removes present law provisions requiring parish sheriffs to submit expenditure reports that include a specific itemization of the costs associated with the purchase, maintenance, and upkeep of automobiles and other vehicles to the parish governing authority and clerk of court.

### **HB 543 by Arnold** *(Last Action – House Committee)*

Proposed constitutional amendment would authorize the legislature to provide by local law for the incorporation of the fifteenth ward of the parish of Orleans as a municipality within the parish of Orleans and change the boundaries of the city of New Orleans.

### **HB 1189 by Arnold** *(Last Action – House Committee)*

Would have provided for the incorporation of the fifteenth ward of the parish of Orleans as a municipality within the parish of Orleans. Would have provided for governance of the newly created municipality and changed the boundaries of the city of New Orleans.

### **HB 933 by Fannin** *(Last Action – House Committee)*

Would have required local governing authorities, except for Rapides Parish, to use 75% of their timber severance tax proceeds for the purposes established for the Parish Transportation Fund.

### **HB 1080 by Murray** *(Last Action – House Committee)*

Would have removed requirements that an auxiliary official journal must have paid circulation and that it must have been entered in a U.S. post office under a periodical permit in the parish in which the public body is located for a period of five consecutive years prior to selection.

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## **Municipal, Parochial and Cultural Affairs**

### **HB 1118 by Badon** *(Last Action – House Calendar)*

Would have authorized the governing authority of any parish or municipality to create, by ordinance, an office of information technology within the parish or municipal government. Would have provided for the appointment of a chief technology officer and for his powers and duties.

### **HB 1325 by Murray** *(Last Action – Sent to Governor)*

Changes Local Government Budget Act to require political subdivisions with proposed total expenditures of \$500,000 or more (instead of \$250,000 or more) from the general fund and any special revenue funds to afford the public opportunity to participate in the budgetary process prior to adoption of a budget. Present law requires the chief executive or administrative officer of a political subdivision to advise the governing authority or independently elected official in writing when:

- (1) Total revenue and other sources plus projected revenue and other sources for the remainder of the year, within a fund, are failing to meet total budgeted revenues and other sources by 5% or more.
- (2) Total actual expenditures and other uses plus projected expenditures and other uses for the remainder of the year, within a fund, are exceeding the total budgeted expenditures and other uses by 5% or more.
- (3) Actual beginning fund balance, within a fund, fails to meet estimated beginning fund balance by 5%.

HB 1325 makes present law provisions applicable only to political subdivisions subject to the requirement of public participation rather than all political subdivisions.

### **HB 1432 by Thompson** *(Last Action – Sent to Governor)*

Present law exempts any local depositing authority located in any parish or municipality with a population of less than 100,000 from certain general provisions governing local depositories including provisions that provide relative to the definition of local depositing authorities, provisions governing daily deposits, and provisions governing designated fiscal agencies. HB 1432 deletes these exemptions and requires that these provisions apply to local depositing authorities located in a parish or municipality with a population of less than 100,000.

### **HB 1587 by Badon** *(Last Action – House Committee)*

Would have authorized the governing authority of any parish or municipality to adopt an ordinance establishing air quality standards in restaurants.



## Municipal, Parochial and Cultural Affairs

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### **HB 1041 by Tucker** *(Last Action –Sent to Governor)*

Requires municipalities and parishes to give military installations 30 days advance notice of any action taken on a zoning request or variance affecting property within 3,000 feet of such an installation.

### **HB 1610 by Morrish** *(Last Action –Sent to Governor)*

Authorizes the governing authority of any parish, municipality, or other political subdivision of the state to establish and contribute funds toward medical savings accounts, health savings accounts, and similar accounts authorized by federal law for its employees. Provides that such accounts may be used in conjunction with high deductible health plans for such employees. Requires political subdivisions which establish such accounts to contract with a third-party administrator to administer the medical or health insurance program.

### **HB 1660 by Broome** *(Last Action –Sent to Governor)*

Redefines a "local governmental subdivision" relative to provisions of present law for cooperative economic development and tax increment financing by removing 200,000 population limitation so that makes provisions applicable to all parishes and municipalities. Creates certain population limitations and conditions which limit the applicability of HB 1660 in certain parishes and municipalities.

### **SB 191 by Irons** *(Last Action – Sent to Governor)*

Present law provides for local depositing authorities to select as the depository of their funds financial institutions domiciled or having branch offices located in the parish or municipality or congressional district of the depositing authority. Limits depositing amount to no more than 200% of the capital stock, declared surplus, and undivided profits of the bank, provided that deposits swept from the bank's deposit account at the close of business each day for purchase of securities that qualify as collateral for public deposits not be counted in this calculation. SB 191 excepts from the 200% capital stock, declared surplus, and undivided profits limit on the amount of deposit, deposits secured by permissible collateral within three days of deposit.

### **SB 794 by Michot** *(Last Action – House Committee)*

Would have provided that the authority of municipalities to vote and levy sales and use taxes under present law shall be in addition to all other sales and use taxes which municipalities may vote and levy and shall not be subject to any limitations imposed upon parishes or parish school boards.

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## **Municipal, Parochial and Cultural Affairs**

### **SB 801 by Romero** *(Last Action – Sent to Governor)*

Provides that in addition to any other authority to levy a sales and use tax, any political subdivision levying or authorized to levy any sales and use tax pursuant to voter approval is authorized to renew or continue such sales and use tax, provided that the question of the renewal or continuation of such tax has been approved by a majority of the qualified electors of the political subdivision. Provides that any such renewal or continuation is authorized to exceed the limitations set forth in present constitution and present law. Further provides that the proceeds derived from such renewal or continuation shall be used solely for the purpose(s) set forth in the proposition authorizing the renewal or continuation.

### **FIRE AND POLICE**

### **HB 193 by Salter** *(Last Action – Act No. 196)*

Changes the period of time between publication of the notice for the request for proposal and the date set for opening proposals from 25 days to 10 days when a political subdivision seeks to purchase certain used fire and emergency response vehicles and associated equipment. Prohibits publication of the advertisement on a Saturday, Sunday, or legal holiday.

### **HB 212 by Bowler** *(Last Action – Senate Calendar)*

### **SB 576 Marionneaux** *(Last Action – House Committee)*

Would have authorized the fire and police civil service board in small municipalities (7,000-13,000 pop.), parishes, and fire protection districts to award attorney fees to an appealing employee to be assessed against the appointing authority not to exceed \$1,000 under certain circumstances. Would have provided that the award of attorney fees be subject to appropriation by the local governing authority.

### **HB 440 by Gallot** *(Last Action – House Committee)*

Would have increased the minimum monthly salary of paid firemen in all parishes and fire protection districts and in municipalities with a population of 12,000 persons or more from \$400 to \$1,500.

### **HB 916 by Cazayoux** *(Last Action – Act No. 262)*

Provides that any investigation of a fire employee conducted by the appointing authority shall be completed within 60 days including the conducting of any pre-disciplinary hearing or conference. However, in each political subdivision which is governed by fire and police civil service laws, the fire department may petition the local governing authority for an extension of the time within which to complete the investigation. Provides that the governing authority

## Municipal, Parochial and Cultural Affairs

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may grant an extension of up to 60 days for completing the investigation for good cause shown.

### **HB 1096 by Toomy** (*Last Action – Act No. 272*)

Provides that a fireman engaged in extinguishing a fire, or protecting and saving life or property due to a fire or other emergency, and such activities would be considered to be within the course and scope of his employment, except for the fact that the fireman was off duty or that the location of the fire was outside of the jurisdiction within which the fireman was employed or his area of responsibility, such activities are considered to be within the scope of the performance of his official duties for purposes of benefits payable to survivors under present law. Does not apply if the fireman is performing activities for which he is paid by another employer or contractor.

### **HB 1119 by Montgomery** (*Last Action – Sent to Governor*)

### **HB 1150 by Montgomery** (*Last Action- Sent to Governor*)

Relative to municipalities with a population of 7,000-250,000 and parishes and fire protection districts, provides that departmental service in any classified police position with the primary duty or responsibility of police headquarters desk service, jailer, police matron, operations and maintenance of radio, police alarm, or signal system automotive or police apparatus repairs, secretary to the chief, or department records clerk shall not be counted by any municipal fire and police civil service board of any city in determining the total seniority in the departmental service of a person for the purposes of ranking the name of that person on a promotional employment list for a classified police position with the primary duty or responsibility of law enforcement, a position as chief or assistant chief, or a position as an intradepartmental division, bureau, squad, platoon, or company officer of the police department. Provides that the provisions of proposed law shall not be applicable to any person employed in any such position prior to July 1, 2004.

### **HB 1184 by Cazayoux** (*Last Action – Act No. 274*)

Provides for the length of time within which a municipal fire and police civil service board shall conduct an investigation. Provides that any investigation conducted by such board, except any investigation conducted by the board upon its own motion, shall be completed within 60 days of the board's receipt of the request for an investigation or receipt of a written petition of any citizen, or both.

## **WATER/SEWER**

### **HB 610 by Daniel** (*Last Action – Sent to Governor*)

Requires that agreements between sewerage service entities and water service entities provide for the shutting off of water to enforce collection of sewer charges.

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## **Municipal, Parochial and Cultural Affairs**

### **HB 1656 by Wright** *(Last Action –Sent to Governor)*

Exempts the governing authority of a waterworks system from the requirement of employing an engineer for any public works project the total cost of which is less than \$50,000 including labor and materials.

### **SB 864 by McPherson** *(Last Action –Sent to Governor)*

Provides that a waterworks district of one parish, which supplies water to, or takes water from, an adjoining parish, except any waterworks district obtaining water from state running waters or under a Special Use Permit from the United States Forest Service, shall only do so under the terms and conditions set forth in a franchise agreement or majority resolution of the governing authority of the adjoining parish and a majority resolution of the governing authority of the creating parish.

## **LOCAL HOUSING AUTHORITIES**

### **HB 1583 by Gray** *(Last Action – Sent to Governor)*

Prohibits a local housing authority from terminating the tenancy of a household or a resident or terminating any other assistance provided by the authority for reasons of domestic abuse, dating violence, or family violence committed against the head of household, member of household, or resident.

### **SB 655 by Dardenne** *(Last Action – Sent to Governor)*

Provides for changes in the administration of self-insurance programs by local housing authorities. Provides that a local housing authority may pool its general liability risks in whole or in part with those of other local housing authorities. Provides that a housing authority may purchase its general liability, workers' compensation, and property coverage insurance with other local housing authorities participating in and belonging to the interlocal risk management agency, the pooled risks of the participating local housing authorities to be described in a plan of coverages with the total premium prorated among such participants. Provides further with respect to such insurance plans.

## **PLANNING/ZONING**

### **HB 1082 by Burns** *(Last Action –Sent to Governor)*

Provides relative to master plans adopted by parish and municipal planning commissions and training requirements for commission members and members of advisory boards to such commissions. Defines a master plan as a statement of public policy for the physical development of a parish or municipality adopted by a parish or municipal planning

## **Municipal, Parochial and Cultural Affairs** \_\_\_\_\_

commission. Requires all appointed members of parish and municipal planning commissions and of advisory boards to such commissions, including boards of zoning adjustment, to receive at least four hours of training in the duties, responsibilities, ethics, and substance of the positions held or to be held. Provides that the training shall take place either prior to the members taking office or no later than one year after office is assumed.

### **CULTURE**

#### **HB 879 by Pinac** *(Last Action – House Committee)*

Would have provided that the Department of Culture, Recreation and Tourism shall be responsible for the promotion of creative industries.

#### **HB 1178 by Pinac** *(Last Action –Sent to Governor)*

Changes the geographical boundaries of the Mississippi River Road Commission. In addition to parishes already defined as "River Road parishes", includes the parishes of St. Bernard, Plaquemines, Pointe Coupee, West Feliciana, East Feliciana, Concordia, Tensas, Madison, and East Carroll in such definition. Removes the specification that the jurisdiction of the commission include all territory within the geographical boundaries of the Historic Mississippi River Road consisting of approximately 70 miles of roadway on each side of the Mississippi River between the cities of Baton Rouge and New Orleans. Increases the membership of the commission from 28 to 29 by adding one member who is appointed by the governor and who represents a parish with a population of 450,000-480,000 persons.

#### **HB 1720 by Broome** *(Last Action –Sent to Governor)*

Establishes the Neighborhood Enhancement Program within the Department of Culture, Recreation and Tourism to assist municipalities in preparing and implementing a revitalization strategy for distressed neighborhood business districts through the establishment of neighborhood enhancement program districts and grants to provide for planning and improvements in such districts. Provides that the department shall administer the program in conjunction with the Louisiana Main Street Program.

### **STATE PARKS, HISTORIC SITES, AND PRESERVATION AREAS**

#### **HB 915 by Baylor** *(Last Action – Act No. 388)*

Removes certain provisions relative to the posting of boundaries of state parks, state historic sites, state preservation areas, and other lands under the jurisdiction of the office of state parks. Specifically removes provision that provides that posting in accordance with provisions of present law shall be construed as being in compliance with posting requirements of state law and local ordinances for the purpose of defining the crime of

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## Municipal, Parochial and Cultural Affairs

trespass and shall not constitute an affirmative defense to a charge of trespass in violation of such law or ordinances on lands under the jurisdiction and control of the office of state parks.

### **HB 921 by Baylor** (*Last Action – Act No. 389*)

Revises the lists of state historic sites, state parks, and state preservation areas within the office of state parks. Revises the list of state historic sites by removing Trudeau and adding the Huey P. Long Boundary marker, Rosedown Plantation, and Watson Brake. Revises the list of state parks by adding Bogue Chitto, C. Bickham Dickson, Poverty Point Reservoir, Slidell, and Vardie Parsons. Revises the list of state preservation areas by adding the Louisiana State Arboretum, the Atchafalaya Wilderness Center, and Big Cypress.

### **HB 1066 by Baylor** (*Last Action –Sent to Governor*)

Increases the membership of the State Parks and Recreation Commission from 15 to 18 and changes the composition of the commission's membership. Specifies the membership of the governor or his designee rather than providing that he may be represented by his executive secretary or executive counsel; increases from three to four the number of members at large to be appointed by the governor, at least two of whom shall be minorities; and adds two members to be appointed by the governor, each from a panel of four names, one submitted by the La. Preservation Alliance and one submitted by the Foundation for Historical La. Increases the number of members constituting a quorum from five to 10.

## MUSEUMS

### **HB 1127 by Burrell** (*Last Action – Sent to Governor*)

Establishes the McNeill Street Pumping Station Museum in Shreveport within the Department of State. Creates and provides for a governing board of the museum comprised of members who have a knowledge of and an interest in engineering and the history of municipal waterworks as follows:

- (1) 15 members appointed by the secretary of state, subject to Senate confirmation, to serve four-year terms concurrent with the governor.
- (2) The state archivist, the museum chief administrative officer, and the museum director, if any, shall each be ex officio members of the board.

### **HB 1197 by Baylor** (*Last Action - Conference Committee Report Rejected/Senate*)

Would have provided that the professional director of the Louisiana State Museum shall be appointed by the lieutenant governor rather than the board of directors of the state museum. Would have provided that the director serve at the pleasure of the lieutenant governor and

## Municipal, Parochial and Cultural Affairs ---

receive such salary as fixed by the lieutenant governor in an amount that is consistent with the salaries of the directors of comparative museum systems.

### **SB 855 by Bajoie** (*Last Action – Sent to Governor*)

Present law establishes the Louisiana Civil Rights Museum as the official state civil rights museum. Present law provides that the museum shall be domiciled in the city of New Orleans and shall be operated, managed, and funded by the office of the state museum of the Department of Culture, Recreation and Tourism (DCRT). SB 855 establishes the Louisiana Civil Rights Museum Advisory Board within DCRT. Provides that the board shall be initially composed of 21 members. Requires the office of the state museum to present an annual report of the museum operations and management to the advisory board.

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## **Municipal, Parochial and Cultural Affairs**



# NATURAL RESOURCES

## DEER HUNTING

**HB 682 by Townsend** (*Last Action –Sent to Governor*)

Authorizes the Wildlife and Fisheries Commission to promulgate and adopt rules and regulations relative to deer or turkey harvest records and tagging. Provides that the rules and regulations may include the tagging requirements; gender, age, and antler requirements; take and possession limits; and reporting requirements. Authorizes deer tagging only when a reduced buck limit is adopted by the commission.

## CONSTITUTIONAL RIGHT TO HUNT AND FISH

**SB 2 by McPherson** (*Last Action – Filed with Secretary of State*)

Adds constitutional provision stating that the freedom to hunt, fish, and trap wildlife is a valued natural heritage that shall be forever preserved for the people. Provides that hunting, fishing, and trapping are to be managed by law and regulation to protect, conserve, and replenish the natural resources of the state. Retains the applicability of the burden of proof requirements otherwise established by law for any challenge to a regulation. Specifies that the provision does not authorize the use of private property to hunt, fish, or trap without the consent of the owner of the property.

## ACCESS TO THE RUNNING WATERS OF THE STATE

**HB 1521 by Cazayoux** (*Last Action – House Committee*)

Provided that the running waters of the state and the aquatic life inhabiting those waters are and remain the property of the state and that title and ownership of these natural resources remains unchanged whether they flow over public or private water bottoms. Provided that the running waters and aquatic life are subject to the supervision and control by the state. Prohibited a person from restricting the public navigation of running waters which are navigable by a motorboat. Defined "running waters" to include waters passing over any privately owned water bottom which has a direct natural or man-made inlet or outlet to a state-owned water bottom and that is subject to the ebb and flow of the tide of the Gulf of Mexico and the tidally influenced arms and tributaries passing through the coastal areas of this state.

**HB 1525 by Lambert** (*Last Action – House Committee*)

Amended in committee to provide that the running waters of this state are a public thing and any waterway three feet or greater in depth directly connected to a navigable body of water is subject to public use. Provided that the servitude of public use created by the bill did not

extend to the bed and banks of the waterways. Further entitled a private owner of the bank or bed to the standard limitations of liability.

### **SHRIMP ANTI-DUMPING SUIT**

**HB 1711 by Wooton** (*Last Action –Sent to Governor*)

Applicable to the 2005 and 2006 license years, imposes an additional \$10/year/fishermen fee on commercial shrimp trawls, skimmers, and butterfly nets; a \$150 fee for wholesale/retail seafood dealers who pay the shrimp excise tax; and an additional \$1,000 fee for any wholesale/retail dealer who bought or sold more than 250,000 pounds of shrimp during the previous license year. Provides for the deposit of the revenues from these additional fees to the Shrimp Trade Petition Account to be used for the promotion and protection of domestic wild-caught shrimp including the payment of expenses related to the Southern Shrimp Alliance petition filed in December 2003 for the imposition of anti-dumping duties. Specifies that the additional fee shall cease to be collected if the shrimp harvesters are ruled not eligible to receive payments under the Byrd Amendment.

# RETIREMENT

## BENEFITS

### **HB 58 by Triche** *(Last Action – Act No.194)*

Provides for early retirement of members of the **Louisiana State Employees' Retirement System** who have attained age 50 and have at least 10 years of service credit. Limits such retirement to the period from the Act's effective date through 12/31/06, and requires actuarial reduction of benefits. Also requires that positions in state government so vacated shall be abolished and shall not be reestablished except in accordance with procedures in the Act.

### **HB 225 by Farrar** *(Last Action – Sent to Governor)*

Guarantees payment by the **Teachers' Retirement System of Louisiana (TRSL)** of the employee's total accumulated contributions, whether through survivor benefit or payment to his estate, bringing **TRSL** in line with the provisions governing the **Louisiana State Employees' Retirement System**, the **Louisiana School Employees' Retirement System**, and the **State Police Pension and Retirement System**.

### **HB 980 by Schneider** *(Last Action – Act No. 340)*

Allows any person who has been a member of the **Louisiana State Employees' Retirement System** for at least one year to purchase up to five years of service credit by paying all actuarial costs in a lump sum sufficient to offset any increase in accrued liability of the system.

### **HB 1207 by Bruneau** *(Last Action – House Committee)*

Would have allowed an extra 1% benefit accrual to any statewide elected official who is a member of **any actuarially funded public retirement system**. Would have required the official to make contributions of an additional 4% of salary.

### **SB 243 by Boissiere** *(Last Action – Sent to Governor)*

Allows an extra 1% benefit accrual to any person who is or has been attorney general or secretary of state who is a member of **any actuarially funded public retirement system**. Requires the official to make employee contributions of an additional 4% of salary. Allows an extra .5% benefit accrual to any legislative employee who is a member of the **Louisiana State Employees' Retirement System** and who does not already receive an additional 1% benefit. Requires the employee to make contributions of an additional 1.5% of salary.

### BOARD OVERSIGHT

**HB 373 by Schneider** (*Last Action – Act No.207* )

**HB 537 by Arnold** (*Last Action – House Committee*)

Provides for required educational training for members of the boards of trustees of **all state and statewide retirement systems**. Adds the laws, rules, and regulations of the system as an area of required education, in addition to investment training and education in actuarial science and ethics and fiduciary responsibilities.

**HB 1200 by LaFleur** (*Last Action – Act No.275* )

Requires **each state and statewide public retirement system** to submit its proposed annual operating budget to the Joint Legislative Committee on the Budget for review and approval for the **state systems** and review for the **statewide systems**.

**HB 1201 by Cazayoux** (*Last Action – House Committee*)

Would have provided for oversight by the state treasurer of investment personnel and policies of the **Louisiana State Employees' Retirement System**, the **Teachers' Retirement System of Louisiana**, the **Louisiana School Employees' Retirement System**, and the **State Police Pension and Retirement System**.

**HB 1215 by LaFleur** (*Last Action – Act No. 116* )

Requires persons who have or who are seeking to obtain a contractual or other relationship with a **state or statewide public retirement system** to disclose certain expenditures on public servants affiliated with such retirement systems. Provides for penalties for failure to file, filing late, or filing a false report. Requires the board chairman for each system to notify each person he knows would be required to file a report and to forward the notification to the Ethics Board. (See House and Government Affairs section for further details.)

**SB 835 by Boissiere** (*Last Action – Sent to Governor*)

Requires consultants and money managers of **state and statewide public retirement systems** to fully disclose to system sponsors any conflicts of interest, including non-pension sponsor sources of revenue. Specifies that consultants also shall provide full disclosure of any payments they receive from money managers, in hard or soft dollars, for any services they provide, including but not limited to performance measurement, business consulting, and education.

## Retirement

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**SCR 12 by Dardenne** (*Last Action – Filed with the Secretary of State*)

Requires the **four public state retirement systems** (state employees, teachers, school employees, and state police) to comply with state policy, procedures, and regulations governing travel, contracts, and procurement.

### **REAMORTIZATION OF UNFUNDED ACCRUED LIABILITIES**

**SB 622 by Boissiere** (*Last Action –Sent to Governor*)

Provides for reamortization of certain unfunded accrued liabilities of the **Louisiana State Employees' Retirement System**, the **Teachers' Retirement System of Louisiana**, and the **Louisiana School Employees' Retirement System**. Lengthens from the lesser of 15 years or until 2029 from the date of occurrence to 30 years from the date of occurrence the amortization period for changes in certain gains, losses, and experience of the systems. Provides that as of July 1, 2004, the balances in the Employee Experience Accounts of the **Louisiana State Employees' Retirement System** and the **Teachers' Retirement System of Louisiana** shall be zero. Limits the amount of money that may accumulate in the accounts and prohibits the balances from falling below zero. Provides for a gross minimum employer contribution rate of 15.5% for the **Louisiana State Employees' Retirement System** and the **Teachers' Retirement System of Louisiana**.

**HB 860 by Schneider** (*Last Action – House Calendar*)

Would have lengthened from the lesser of 15 years or until 2029 from the date of occurrence to 30 years from the date of occurrence the amortization period for changes in certain gains, losses, and experience of the **Louisiana State Employees' Retirement System**, the **Teachers' Retirement System of Louisiana**, the **Louisiana School Employees' Retirement System**, and the **State Police Pension and Retirement System**.

**SB 623 by Boissiere** (*Last Action – House Calendar*)

Would have provided for reamortization of certain unfunded accrued liabilities of the **Teachers' Retirement System of Louisiana**. Would have lengthened from the lesser of 15 years or until 2029 from the date of occurrence to 30 years from the date of occurrence the amortization period for changes in certain gains, losses, and experience of the system. Would have provided that as of July 1, 2004, the balance in the Employee Experience Account of the **Teachers' Retirement System of Louisiana** would be zero. Would have limited the amount of money that may accumulate in the account and prohibited the balance from falling below zero. Would have provided for a gross minimum employer contribution rate of 15.5% for the **Teachers' Retirement System of Louisiana**.

### **HB 1208 by Schneider** *(Last Action – House Committee)*

Would have provided for reamortization of certain unfunded accrued liabilities of the **Teachers' Retirement System of Louisiana**. Would have lengthened from the lesser of 15 years or until 2029 from the date of occurrence to 30 years from the date of occurrence the amortization period for changes in certain gains, losses, and experience of the system. Would have provided that as of July 1, 2004, the balance in the Employee Experience Account of the **Teachers' Retirement System of Louisiana** would be zero. Would have limited the amount of money that may accumulate in the account and prohibited the balance from falling below zero.

### **HB 1216 by Schneider** *(Last Action – House Committee)*

Would have provided for reamortization of certain unfunded accrued liabilities of the **Louisiana State Employees' Retirement System**. Would have lengthened from the lesser of 15 years or until 2029 from the date of occurrence to 30 years from the date of occurrence the amortization period for changes in certain gains, losses, and experience of the systems. Would have provided that as of July 1, 2004, the balance in the Employee Experience Accounts of the **Louisiana State Employees' Retirement System** would be zero. Would have limited the amount of money that may accumulate in the account and prohibited the balance from falling below zero.

### **HB 1234 by Schneider** *(Last Action – House Committee)*

Would have provided for reamortization of certain unfunded accrued liabilities of the **Louisiana State Employees' Retirement System** and the **Teachers' Retirement System of Louisiana**. Would have lengthened from the lesser of 15 years or until 2029 from the date of occurrence to 30 years from the date of occurrence the amortization period for changes in certain gains, losses, and experience of the systems. Would have provided that as of July 1, 2004, the balances in the Employee Experience Accounts of the **Louisiana State Employees' Retirement System** and the **Teachers' Retirement System of Louisiana** would be zero. Would have limited the amount of money that may accumulate in the accounts and prohibits the balances from falling below zero.

## **DEMAND**

### **HB 1084 by Pinac** *(Last Action –Sent to Governor)*

Requires the board of trustees of the **Louisiana Assessors' Retirement Fund (LARF)** to calculate any shortfall in amounts due to the fund from local tax collectors and certify this information to the legislative auditor. Provides that the legislative auditor shall certify the amount due LARF. Requires tax collectors who have failed to remit monies due to remit an amount determined by LARF not to exceed 15% of revenue sharing monies otherwise due

## Retirement

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to the delinquent governmental entity, such additional remittance to be paid until the certified shortfall amount has been paid. Grants LARF board authority to negotiate a lesser amount to satisfy the debt. If official responsible for tax collection fails to remit to LARF the revenue sharing monies due, allows LARF board to make demand upon the state treasurer for the monies due and provides that the treasurer pay such demand before distribution of revenue sharing to the delinquent political subdivision. Applies to shortfalls regardless of when the shortfall initially arose.

### **HB 1009 by Pinac** *(Last Action –Sent to Governor)*

Allows the **Clerks' of Court Retirement and Relief Fund** board of trustees to make demand upon the state treasurer for taxes owed to the fund but not remitted.

### **HB 1205 by Pinac** *(Last Action – House Committee)*

Would have allowed the **Sheriffs' Pension and Relief Fund** board of trustees to make demand upon the state treasurer for taxes owed but not remitted and required the state treasurer to deduct such amounts from revenue sharing funds.

## **COST-SAVING PLAN MODIFICATIONS**

### **HB 1161 by Tucker** *(Last Action – Senate Committee)*

Would have created a defined contribution retirement plan within the **Louisiana State Employees' Retirement System** for all persons employed on or after July 1, 2006.

### **HB 1630 by Daniel** *(Last Action – House Committee)*

Would have provided for a defined benefit plan for persons employed in positions covered by the **Louisiana State Employees' Retirement System (LASERS)** on or after Jan. 1, 2006, with changes to current **LASERS** plan provisions applicable to such employees, including higher employee contribution rates, a longer average compensation time frame, tougher anti-spiking provisions, and guaranteed cost-of-living adjustments.

### **SB 792 by Dardenne** *(Last Action – Failed to Pass/House)*

Relative to eligibility for retirement for members of the **Louisiana State Employees' Retirement System**, originally would have provided that a member could only receive benefits after 10 years of service at age 60 or more. Final form was substantially the same as **HB 1630** above.

**SB 790 by Theunissen** (*Last Action – House Calendar*)

Would have provided for stricter anti-spiking provisions for members of the **Louisiana State Employees' Retirement System**, with increases in the final three years limited to 15% measured in three different periods, rather than the 25% measured in two different periods in current law.

**SCR 15 by Dardenne** (*Last Action – Senate Concurrence*)

Requires the Commission on Public Retirement to study the benefits, risks, and issues involved in and the feasibility of establishing a portable defined contribution plan or a modified defined benefit plan (including specified provisions) in the **Louisiana State Employees' Retirement System**, the **Teachers' Retirement System of Louisiana**, the **Louisiana School Employees' Retirement System**, and the **State Police Pension and Retirement System** for all new employees hired after July 1, 2006. Requires the commission to submit a report of its findings to the House and Senate committees on retirement on or before February 1, 2005.



# TRANSPORTATION, HIGHWAYS AND PUBLIC WORKS

## MOTORCYCLES, MOTOR SCOOTERS, AND ELECTRIC MOBILITY AIDS

**HB 109 by Baudoin** *(Last Action –Sent to Governor)*

**SB 29 by Chaisson** *(Last Action – House Calendar)*

HB 109 requires all operators or riders of motorcycles, motor-driven cycles, and motorized bicycles to wear a safety helmet.

SB 29 would have required any person under 21 years of age who operates or rides upon a motorcycle, motor-driven cycle, or motorized bicycle to wear a safety helmet. Additionally, would have required completion of the Motorcycle Safety, Awareness, and Operator Training Program or a motorcycle operator training course approved by the Department of Public Safety and Corrections prior to licensure to operate such vehicles. Would have required the office of motor vehicles to issue "M" endorsement stickers for license plates.

**HB 1260 by Cazayoux** *(Last Action –Sent to Governor)*

Authorizes parish or municipal governing authorities to authorize the operation of motor scooters at a speed not to exceed 20 mph by persons eight years old or older between sunrise and sunset on any sidewalk under its jurisdiction. Prohibits any parent, guardian, or person with legal responsibility for a child under 18 years of age to knowingly allow the child to operate or ride on such scooters without wearing an approved safety helmet.

Requires a person engaged in selling or renting motor scooters to post notice that Louisiana law requires operators or riders under 18 years of age to wear a safety helmet.

Authorizes the operation of electric personal assistive mobility devices on sidewalks, bicycle paths, and highways with posted speed limits of 35 mph or less, except that parish or municipal governing authorities may limit or prohibit the operation of such devices on any sidewalk, bicycle path, or highway under its jurisdiction.

**SB 46 by Theunissen** *(Last Action – Sent to Governor)*

Grants persons with mobility impairments who operate an electric mobility aid the same rights as able-bodied pedestrians to use streets, sidewalks, and walkways. Authorizes electric mobility aids to be operated, during daylight hours, on any road or street, if the posted speed limit is 25 mph or less or if suitable sidewalks or bicycle paths are not available, on any marked or designated bicycle path, in residential subdivisions, on any street or roadway necessary to cross, or as a reasonable accommodation under the Americans with Disabilities Act.

## **Transportation, Highways and Public Works**

**HB 1103 by Bowler** *(Last Action – House Committee)*

Would have included motor scooters with a motor of not more than five horsepower within the definition of "motorized bicycles" and exempted such vehicles from safety helmet requirements, compulsory liability security requirements, and registration requirements.

### **MOTOR VEHICLES**

**HB 528 by Futrell** *(Last Action – House Calendar)*

**SB 341 by Chaisson** *(Last Action – Act No. 15)*

SB 341 prohibits the operator of a motor vehicle or the passenger in or on a motor vehicle, while the vehicle is being operated on a public highway or right-of-way, to possess an open alcoholic beverage container or to consume an alcoholic beverage in the passenger area of a motor vehicle.

Increases the penalty for violations *from* a fine of not more than \$50 *to* a fine of not more than \$100. Court costs shall be assessed in addition to the fine.

Preempts parish or municipal governing authorities from enacting any code or ordinance regulating the possession of alcoholic beverages in motor vehicles. However, the governing authority of a local governmental subdivision with a population in excess of 50,000 may enact a code or ordinance that imposes a penalty greater than that provided in state law.

### **DEPARTMENT OF TRANSPORTATION AND DEVELOPMENT**

**HB 630 by Quezaire** *(Last Action – House Committee)*

**SB 519 by Ellington** *(Last Action – House Calendar)*

**HB 635 by Quezaire** *(Last Action – Sent to Governor)*

Authorizes the Department of Transportation and Development to contract with a qualified third party or parties for the placement, erection, and maintenance of specific information logo signs and supports within interstate and fully controlled access highway rights-of-way. Requires the department and the qualified party or parties to negotiate the terms of the contract; however, the third party shall pay the department \$150,000 per year or 10% of the gross revenue of the logo sign program, whichever is greater, for use of rights-of-way.

Requires establishment of an advisory committee, if the department contracts with a third party or parties, to monitor and make recommendations regarding the logo sign program to the qualified third party.

Requires the qualified third party to establish reasonable fees for logo signs and specific information signs; however, sets forth maximum fees that can be charged.

## **Transportation, Highways and Public Works** \_\_\_\_\_

### **HB 1517 by Quezaire** *(Last Action – House Calendar)*

Would have authorized the Department of Transportation and Development to use the design-build method to construct the new Mississippi River Bridge at St. Francisville (connection to U.S. 61) including approach structures and connecting roadways, which project is included in the TIMED Program. Additionally, would have authorized the secretary of the department to select an additional project to utilize the design-build method; however, the cost of such additional project shall not exceed \$5 million.

Would have provided for procedures regarding design-build contracts.

### **PORTS**

### **HB 1398 by Tucker** *(Last Action – House Committee)*

Would have abolished the Port of New Orleans, the Plaquemines Port, Harbor and Terminal District and the St. Bernard Port, Harbor and Terminal District and created the Lower Mississippi River Port Authority having the jurisdiction and authority of the abolished ports.

## ———— **Transportation, Highways and Public Works**

# WAYS AND MEANS

## 2004 FIRST EXTRAORDINARY SESSION

### STATE SALES AND USE TAX

#### **HB 1 by Hammett** (*Last Action – Act No. 4*)

Suspends certain exemptions to 3% of the state sales and use tax from 7/1/04-6/30/09. All but the following exemptions are suspended:

- Direct sales of farm products by producer.
- Use tax for farm products consumed by producer.
- Certain farm equipment.
- Fertilizer and farm products containers sold by farmers.
- Prescription drugs and other medical and patient aids.
- Ships and ships' supplies.
- Seeds used in planting of crops.
- Pesticides used for agricultural purposes.
- Sales by blind persons.
- Sales by nonprofit organizations.
- Purchases by commercial fishermen.
- Diesel fuel or LPG used for farm purposes.
- Purchases made with food stamps and under the W.I.C. program.
- Exemptions under the Enterprise Zone Law.
- Purchases in domed stadiums owned by the state and in certain other publicly owned facilities.
- Purchases for first use offshore.
- Rail rolling stock.
- Utilities used by steelworks and blast furnaces.

Also suspends exemptions for business utilities to 2% of the state sales and use tax and 80% of 1% of the state sales and use tax from 7/1/04-6/30/09.

#### **HB 2 by Hammett** (*Last Action – Act No. 1*)

Excludes from the 4% state sales and use tax the purchase, lease, or rental of manufacturing machinery and equipment by manufacturing machinery and equipment by manufacturers within NAIC codes 31-33 and agricultural, forestry, and fishing and hunting sectors 11 of the NAIC code. The phaseout begins in FY 2004-2005 with a 5% reduction and continues as follows:

#### Taxable Period

#### Reduction

For the period beginning on 7/1/05

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## Ways and Means

and ending on 6/30/06	19%
For the period beginning on 7/1/06 and ending on 6/30/07	35%
For the period beginning on 7/1/07 and ending on 6/30/08	44%
For the period beginning on 7/1/08 and ending on 6/30/09	68%
For the period beginning on 7/1/09 and ending on 6/30/10	82%
For all taxable periods beginning on or after 7/1/10	100%

### CORPORATION FRANCHISE

#### **HB 3 by Hammett** (*Last Action – Act No. 2*)

Phases out the inclusion of borrowed capital in the corporation franchise tax base by 1/1/12.

### TAX CREDITS

#### **HB 10 by Hammett** (*Last Action – Act No. 7*)

Extends the motion picture investor tax credit through 12/31/06.

### SALES AND USE TAX EXEMPTIONS

#### **HB 8 by Faucheux** (*Last Action – Act No. 5*)

Extends the sales and use tax exemptions for steel works and blast furnaces through 6/30/07.

#### **HB 15 by Strain** (*Last Action – Act No. 8*)

Excludes purchases by consumers of certain fuels or gases, such as butane or propane, for residential use from the state sales and use tax.

#### **HB 35 by Montgomery** (*Last Action – Act No. 10*)

Exempts trucks with a gross weight of 26,000 pounds or more and trailers or contract carrier buses used 80% of the time in interstate commerce from the state sales and use tax.

# Ways and Means

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## 2004 REGULAR SESSION

### CAPITAL OUTLAY

**HB 2 by Hammett** (*Last Action – Sent to Governor*)

**HB 3 by Hammett** (*Last Action – Sent to Governor*)

Provides for the comprehensive capital outlay budget and for implementation of a five-year capital improvement program.

### GIFT TAX

**HB 198 by Bruneau** (*Last Action – Senate Calendar*)

Would have phased in a reduction and then repeal of the gift tax over a five-year period.

### TAX/AD VALOREM - EXEMPTION

**HB 485 by Bruneau** (*Last Action – Act No. 212*)

Authorizes exemption of motor vehicles owned by persons 65 years of age or older from general or special ad valorem taxes of municipalities or districts created by them.

**HB 694 by Arnold** (*Last Action – Senate Committee*)

Would have removed prohibition against extending exemption for motor vehicles to municipal taxes.

### HOMESTEAD EXEMPTION

**HB 676 by Doerge** (*Last Action – House Calendar*)

**HB 724 by Hammett** (*Last Action – House Calendar*)

**SB 806 by Dupre** (*Last Action – Sent to Secretary of State*)

Constitutional amendment provides that homestead exempt property is limited to property owned and occupied by the owners; provides for land classified and assessed at use value; provides that a field which qualifies for a homestead exemption may have timber on it; prohibits granting the homestead exemption to bond for deed property unless granted before June 20, 2004; explicitly prohibits more than one homestead exemption applying to any person; and requires the homestead exemption to extend to the following:

- (1) Property owned by an irrevocable trust when the principal beneficiary or beneficiaries of the trust are the settlor or settlors of the trust and were the

- immediately prior owners of the homestead, and the homestead is occupied as such by a principal beneficiary, but only if the property was qualified for the homestead exemption immediately prior to the transfer to the trust or would have been eligible for the homestead exemption if such property were not owned in trust.
- (2) Property where the usufruct of the property has been granted for the lifetime of no more than two usufructuaries who were the immediate prior owners of the homestead, and the homestead is occupied as such by a usufructuary, and the grant of the usufruct has been made by a person or persons either in the direct ascending or descending line of the usufructuary but only if the property was qualified for the homestead exemption immediately prior to the granting of such lifetime usufruct, or would have been qualified for the homestead exemption if such usufruct had not been granted.
- (3) Natural person or persons and an irrevocable trust created by a natural person or persons in which the beneficiaries of the trust are a natural person or persons provided that the provisions of the proposed constitutional amendment are otherwise satisfied.

### SPECIAL FUELS

**HB 777 by Hammett** (*Last Action – Senate Calendar*)

**SB 394 by Barham** (*Last Action – Sent to Secretary of State*)

Constitutional amendment - Prohibits political subdivisions from levying or collecting a tax on diesel fuel unless the political subdivision has levied the tax continuously since January 1, 1975.

### LOUISIANA TAX COMMISSION

**HB 1700 by Daniel** (*Last Action – Sent to Governor*)

Requires the Louisiana Tax Commission to create a statewide ad valorem tax assessment database for publication on the Internet. Requires participation of parishes over 75,000.

**HB 1341 by Hammett** (*Last Action – Act No. 112*)

Increases Louisiana Tax Commission membership from three to five to be appointed by the governor from the Public Service Commission districts.



# Ways and Means

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## ECONOMIC DEVELOPMENT

### **HB 1309 by Shepherd** *(Last Action – Sent to Governor)*

Requires certain contracts or cooperative endeavor agreements issued by the state to contain a refund provision under certain circumstances.

## BONDS

### **HB 1504 by Montgomery** *(Last Action –Sent to Governor)*

Prohibits State Bond Commission approval of industrial revenue and other bonds by industrial development boards in certain parishes unless first approved by local governmental entities affected by the bond issuance.

## TAXING DISTRICTS

### **HB 1558 by Honey** *(Last Action – Senate Committee)*

Would have prospectively prohibited tax increment financing if school revenues are reduced.